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Sultan Mehmed II, the Conqueror

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George Crews Mc Ghee
United States Ambassador
to Turkey

P A P E R S

RELATING TO

F O R E I G N A F F A I R S ,

ACCOMPANYING THE

ANNUAL MESSAGE OF THE PRESIDENT

TO THE

THIRD SESSION FORTIETH CONGRESS.

P A R T I I .

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1869.

P A P E R S

RELATING TO

F O R E I G N A F F A I R S .

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CORRESPONDENCE.

SPAIN.

Mr. Seward to Mr. Hale.

No. 92.]

DEPARTMENT OF STATE,
Washington, December 2, 1867.

SIR : Mr. Perry's dispatch No. 14, of the 13th ultimo, upon the subject of the quarantine in Spain of vessels from the United States, has been received.

It is noticed with regret that the remonstrances which, by the instructions from this department, Nos. 2, 3, 4, and 5, he was directed to address to that government, has proved unavailing.

The reasons which he represents as having been assigned by the minister of the interior for justifying the quarantine, are founded upon obvious misconceptions of fact in regard to the existence of contagious disease, especially yellow fever, in this country.

That epidemic was restricted to a few ports only of the southern States. If vessels from those ports had been subjected to the quarantine, there would have been no ground of complaint.

The rule has, however, been applied without discrimination to vessels from all parts of the United States, even when bearing a health certificate, attested by the Spanish consul at the port whence they may have cleared. This seem to be unreasonable and unjust. It has given rise to numerous complaints, which have from time to time been made known to your legation. The letter of Mr. Alpheus Hardy, of Boston, a copy of which is inclosed, relates to the case of his bark *Young Turk*, which has been subjected to the quarantine without apparent necessity, and to the great loss of her owner.

It is hoped that the Spanish minister of the interior may see cause to rescind his order, and that, seeing the serious mistake which he has committed, the government of Spain will make good the damages which United States citizens have sustained.

If the Spanish secretary of the interior persists in maintaining the quarantine, we must protest with energy, and will expect indemnification.

I telegraphed to you to-day on this important subject.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN P. HALE, Esq., &c., &c., &c.

Mr. Hardy to Mr. Seward.

BOSTON, November 27, 1867.

SIR: Permit me to call your attention to the great wrong practised upon the United States shipping trading with Spain. I cannot better

do this than by stating my own case. My bark, *Young Turk*, sailed hence the last of August, with a cargo wholly of staves, bound for Malaga, Spain. At that time our port was entirely free of any contagious disease; the officers and crew in good health. The bark was cleared at the custom-house with a *clean bill of health*, duly and properly *certified by the Spanish consul at this port*. After a passage of about twenty-five days she arrived at Malaga, all on board in good health, but was not allowed to enter the port because the yellow fever was in New Orleans, or the cholera in some port of the United States. The bark was ordered off to Port Mahon; kept there ten days; compelled to pay port charges and quarantine fees, doctor's bills, &c., was thirty-seven days in getting to, at, and from Mahon, and at a large expense for time, wages, provisions, &c., besides throwing the voyage wholly out of its plan, bringing her here too late for the best sale of her cargo, and making a difference to the owners of several thousand dollars.

The Spanish government make no difference between New Orleans and Boston, and pay no regard to the certificate of our authorities, backed by their own consul, to whom we paid a fee for his name, but send our vessels off without reason, much to our damage. Our masters assert it is mainly to secure fees. Their vessels are not so treated with us, nor do they treat other nations as they do us.

For instance, they put Gibraltar down as a foul port, but by the remonstrance of the British government they withdrew their edict and allowed British vessels *from Gibraltar* to enter Spain, while our vessels hence, after being admitted at Gibraltar, and unloading there side by side with those from England, and associating with their crew, were ordered off.

The whole system is unjust, as I view it, and I trust may commend itself to your attention.

We are large customers for Spanish products, taking from Malaga more than half of all the fruit she exports, (from 800,000 to 1,000,000 boxes out of a crop of 1,300,000, at 1,500,000,) and it is a peculiar hardship to be thus troubled and taxed from this port when and because there is yellow fever in Louisiana or Texas.

Pardon my free expression of a felt wrong, and allow me to remain, with high regards, yours, &c.,

ALPHEUS HARDY.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

(Reference to United States senators from Massachusetts.)

Mr. Seward to Mr. Hale.

No. 93.]

DEPARTMENT OF STATE,

Washington, December 4, 1867.

SIR: The consul of the United States at Malaga has communicated to this department the particulars of a mutinous affray which took place, on the 21st of October last, on board an American vessel lying in that port named the *Abd-el-Kader*. The captain and mate of the vessel were assaulted and severely wounded, and but for the timely interference of the officers of the Spanish revenue boat *Alerta*, who caused the arrest of the mutineers and their delivery to the United States consul, the affair would no doubt have proved a more serious one than it did.

You will, upon the receipt of this instruction, make the above-mentioned facts known to the minister for foreign affairs of her Catholic Majesty, and convey in suitable terms the acknowledgments of this government for the friendly assistance given by the officers of the Alenta.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN P. HALE, Esq., &c., &c., &c.

Mr. Hale to Mr. Seward.

No. 115.]

LEGATION OF THE UNITED STATES,

Madrid, December 17, 1867.

SIR : I have the satisfaction of informing you that last week we had the pleasure of a visit from Admiral and Mrs. Farragut and a portion of his staff at this city. Though his stay here was very brief, he arriving early Wednesday morning and leaving Saturday evening, yet I think I may say that it was very pleasant and entirely satisfactory to the admiral and his party.

I had the pleasure of introducing him to her Majesty the Queen, and her husband, styled "the King" by courtesy and I believe also by virtue of an act of the Cortes, to the ministers of war, state, and navy, and also to the members of the diplomatic corps, whom I invited with a number of friends in Spanish society to meet the admiral at my house.

All were charmed with the bearing and deportment of the admiral who bore so meekly and modestly the multiplied honors and attentions of which he has been the recipient in his European travels.

I can but hope and believe that his visit to this capital will have a most salutary influence on the relations of the two countries, for it is not often that the inhabitants of this capital have an opportunity of meeting and greeting distinguished Americans who have shed luster on our national character, and I am sure that there could not have come from that number any one who could have done more to favorably impress the minds of the Spanish people than Admiral Farragut and his party.

With much respect, your obedient servant,

JOHN P. HALE.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington. D. C.

Mr. Seward to Mr. Hale.

No. 96.]

DEPARTMENT OF STATE,

Washington, December 30, 1868.

SIR : Your dispatches to No. 113, of the 6th instant, inclusive, have been received.

The refusal of the Spanish government, as announced to you in Mr. Arrazola's note of the 5th instant, to repeal the quarantine interdict which has been a subject of recent correspondence between this department and the legation at Madrid, is much to be regretted. That refusal, so far as it relates to this country, seems to be based upon more incorrect statements than even the original promulgation of the interdict. It

assumes the continuance of yellow fever at New Orleans, whereas it is well known that, as usual, that disease ceases there with the first frost, and any danger of its introduction into or propagation in Spain must have been annihilated by the same cause there. Under these circumstances it becomes my duty to instruct you to give notice to the minister for foreign affairs that the Spanish government will be held accountable for any damages which the shipping of the United States may have sustained or may hereafter sustain in consequence of the quarantine regulation referred to.

You will also express regrets at this conclusion of a matter in which so much forbearance has been shown by this government.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN P. HALE, Esq., &c., &c., &c.

Mr. Hale to Mr. Seward.

No. 119.

LEGATION OF THE UNITED STATES,
Madrid, January 2, 1868.

SIR: Your dispatch No. 93 has been received, and inclosed you will find a copy of the communication which I made to the Spanish government, pursuant to your instructions on the subject.

With much respect, I have the honor to be yours,

JOHN P. HALE.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

LEGATION OF THE UNITED STATES OF AMERICA,
Madrid, December 2, 1867.

SIR: I am instructed by the Secretary of State of the United States to make known to her Majesty's government that a mutinous affray occurred on the 21st of October last on board the American vessel named the *Abd-el-Kader*, in the port of Malaga, and that but for the timely interference of the officers of the Spanish revenue boat, the *Alerta*, who caused the arrest of the mutineers and their delivery to the United States consul, the affair would no doubt have proved a more serious one than it did. And I have much pleasure in communicating these facts to your excellency, to comply with the further instructions of my government, in expressing to her Majesty's government and to the officers of the *Alerta* the grateful acknowledgments of the government of the United States for the friendly assistance given by the officers of the *Alerta* on that occasion.

The undersigned avails himself, with much pleasure, of the present occasion for renewing to his excellency the minister of state the assurances of his most distinguished consideration.

JOHN P. HALE.

His Excellency the MINISTER OF STATE.

Mr. Hale to Mr. Seward.

No. 122.]

LEGATION OF THE UNITED STATES,
Madrid, January 20, 1868.

SIR: Your dispatch No. 96, dated December 30, 1867, was received in this legation on Friday the 17th instant, and I was somewhat embarrassed by the fact that on the same day there appeared in the official Gazette

of Madrid a royal order of the 14th instant, materially altering the quarantine regulations of the Spanish government so far as relates to all the sea-coast of the United States from Charleston east, but leaving New Orleans and the Gulf ports still subject to the same interdict as before.

Under these circumstances, I have not for the present formally communicated the substance of your instructions to the Spanish minister of foreign affairs, but have unofficially given him notice that I had received instructions from you on the subject, which I had not for the present communicated to him, in the hope that as the Spanish government had shown a disposition to modify and relax the very stringent regulations heretofore enforced, they might be induced, in view of the statements of your said dispatch in regard to the disappearance of the yellow fever at New Orleans, be induced still further to modify or repeal the restrictions as to vessels coming from New Orleans and the Gulf ports generally.

With this view I have addressed to him a note, of which I herewith inclose you a copy, deeming it prudent to wait a few days after the Spanish government shall have received my communication to see if they are disposed to make still further modifications in their quarantine regulations complained of.

With sentiments of the highest respect, sir, your obedient servant.

JOHN P. HALE.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

P. S.—Please find inclosed part of the Gazette referred to, containing the royal order of the 14th instant.

J. P. H.

LEGATION OF THE UNITED STATES,
Madrid, January 19, 1868.

SIR: I have received from my government an instruction dated the 30th December, relative to the sanitary regulations injurious to the commerce of the United States, which the government of Spain has thought it necessary to enforce in spite of the observations heretofore addressed to your excellency on this subject.

But these instructions reach me at the same time with the official Gazette of the 17th instant, which contains a royal order of the 14th instant greatly modifying the regulations heretofore enforced.

I notice, however, that these are maintained as regards New Orleans and other ports of the United States on the Gulf of Mexico.

The instruction from Washington before referred to contains the information that at New Orleans (and the statement may reasonably be regarded as covering all the Gulf ports of the United States) the epidemic disease which has been prevalent through the summer had ceased as usual with the first frost.

I therefore earnestly request your excellency to give this intelligence its full weight and effect, and cause the exception still maintained in the royal order of the 14th instant to the prejudice of vessels proceeding from the Gulf ports of the United States to be removed.

In view of such hoped-for action on the part of her Majesty's government in entire conformity with the spirit manifested in the said royal order of the 14th instant, I will again refer this question to Mr. Seward, suspending the execution of the instruction written by him in ignorance of the recent action of her Majesty's government, and trusting that I may speedily be able to communicate to him the additional relief now solicited.

I avail myself of this occasion to renew to your excellency the assurance of my most distinguished consideration.

JOHN P. HALE.

His Excellency the MINISTER OF STATE of her Catholic Majesty.

Mr. Seward to Mr. Hale.

[Circular.]

No. 106.]

DEPARTMENT OF STATE,
Washington, March 27, 1868.

SIR: The technical continuance of the state of war between Spain on the one part, and Peru, Chili, and Ecuador and Bolivia, on the other, occasions inconvenience to all neutral states, and especially to this country, which it is desirable should be terminated by a formal armistice.

You will consequently suggest in the proper quarter that a measure of this character should be adopted by the government to which you are accredited. If your suggestion should be favorably received, you may follow it by another to the effect that all the parties to the war referred to should appoint plenipotentiaries to meet here for the purpose of bringing about a definite peace. If the advice of this government should be asked, there shall be no want of proper and impartial effort on its part to see that the claims of all shall receive due consideration.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN P. HALE, Esq., &c., &c., &c.

Mr. Hale to Mr. Seward.

No. 128.]

LEGATION OF THE UNITED STATES,
Madrid, April 18, 1868.

SIR: Your dispatch, No. 106, reached me in this city on the 14th instant, and I immediately addressed a note on the 15th to Mr. Arrazola, asking for an interview for the purpose of making the communication therein directed to be made, but owing to some mistake which Mr. Arrazola explained to me this morning, he did not personally have knowledge of my communication until yesterday, nor until I had addressed a second note to him, which I did on the 17th, and he appointed this morning at eleven for giving me an audience. At the time indicated, I went with the purpose of making the communication to him, but found him fully advised of what I had proposed to inform him, as he had previously been fully informed thereof, as he told me, by Mr. Goñi, the Spanish minister in Washington. Mr. Arrazola expressed himself highly gratified at this new proof of the persistent friendship of the United States, and having expressed a desire that I should make my communication to him in writing, and promised to make his answer thereto in the same manner, I acceded to his suggestion, and shall forthwith put my communication to him in that form, and as soon as I get an answer from him will communicate the same to you.

With much respect, yours,

JOHN P. HALE.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Hale.

No. 110.]

DEPARTMENT OF STATE,
Washington, May 12, 1868.

SIR: The reply of the Spanish government to the modifications proposed by the allied republics of Chili, Peru, Bolivia, and Ecuador, to the basis of arrangement by the President of the United States for the adjustment of the difficulties between those republics and Spain having been communicated to the Chilian government, has been answered in a note addressed by the minister for foreign affairs of that government to the minister plenipotentiary of the United States at Santiago, a translation* of which I inclose, together with a copy of the dispatch of General Kilpatrick, (of date March 26,) which accompanied it. You will make the substance of this answer known to the Spanish government.

Your dispatches to No. 129, of the 22d ultimo, have been received.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN P. HALE, Esq., &c., &c., &c.

Mr. Hale to Mr. Seward.

No. 132.]

LEGATION OF THE UNITED STATES,
Madrid, May 16, 1868.

SIR: In my dispatch No. 128, dated April 18, 1868, I informed you that Mr. Arrazola, the minister of state, expressed a desire that I should make a communication to him in writing of the statement which I then made verbally, and that I promised I would do so. Accordingly on the same day, viz, April 18, I complied with my promise, and on the 13th of May I received an answer from the new minister of state, of which I herewith inclose a copy and a translation of the same.

Perhaps the delay occasioned between the date and the delivery may be explained by the fact that in the mean time there has been a change of ministry occasioned by the death of the Duke of Valencia, and further, immediately after, the festivities of the court, occasioned by the marriage of the eldest daughter of the Queen with a younger brother of the ex-King of Naples.

I remain yours, with all due respect,

JOHN P. HALE.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Señor Roncali to Mr. Hale.

[Translation.]

MINISTRY OF STATE.
Palace, May 1, 1868.

MY DEAR SIR: I have had the honor of receiving the note of your excellency of the date of the 18th of the last month, in which, in conformity to the instructions of Mr. Seward, your excellency is pleased to express the desire that, by means of a formal armistice, there should be terminated all the inconveniences which the passive state

* For inclosure see dispatch from United States minister to Chili of the 26th of March, 1868.

of war, at present existing between Spain and the allied republics of the Pacific, occasions to the United States; and for that purpose proposes that there be adopted a resolution to that effect, and that afterwards there be in Washington a conference of plenipotentiaries of the interested powers for the definitive arrangement of a peace.

The government of her Majesty receives with favor the suggestion of Mr. Seward on this subject, and as your excellency very well knows the continuance of this war has not been owing to them, and satisfied that the benefits of peace now more than ever necessary to the welfare of the civilized world, is pleased to do what it can to carry into effect the realization of the propositions of the cabinet of Washington, putting an end to the inconveniences which the present state of things occasions to neutral powers.

In consequence, the Spanish government, seconding with its accustomed deference the views of the United States on this subject, are disposed to make a formal declaration of an armistice as soon as the other powers interested agree thereto, and at the same time is ready to nominate a representative to the conference at Washington who shall have power to treat of the terms of a definitive treaty of peace.

Upon this last subject, however, I ought to inform your excellency, to the end that you may communicate the same to the government of the United States, that the government of her Majesty must insist that there be fixed, in the first place, a point of time from which the matters to be discussed in the conference shall commence, and that on no pretense shall there be submitted to the conference anything heretofore arranged by international agreement.

Your excellency will observe the good and sincere desire which has always animated Spain, in favor of a peace honorable for all the nations engaged in this war of the Pacific, and the government of her Majesty hopes that the cabinet of Washington will appreciate this new proof of the sentiments of loyalty and justice which inspires its conduct, as her Majesty's government appreciates the friendly action of the United States.

I improve this opportunity for reiterating to your excellency the assurances of my most distinguished consideration.

EL MARQUIS DE RONCALLI.

The MINISTER PLENIPOTENTIARY of the United States.

Mr. Seward to Mr. Hale.

No. 113.]

DEPARTMENT OF STATE,
Washington, July 1, 1868.

SIR: Complaints have of late been addressed to this department from various quarters, against the stern manner in which the custom-house authorities in Cuba carry into effect the very stringent regulations there in regard to importations, and in particular the minute requirements as to the manifests of cargoes.

While it may be allowed that the Spanish government has a perfect right to prescribe any terms which may not be otherwise provided for by treaty, upon which foreign commerce shall be carried on in that quarter, it is certainly for the interest of that commerce, and therefore of the revenue which the government expects from it, that honest traders should be protected from the exercise of arbitrary power, and that a fraud should not be assumed to have been intended, when errors obviously accidental, or occasioned by the different languages of the two countries, creep into manifests.

The literal and rigid execution of law in such cases cannot fail to work serious injustice, which this government will be slow to impute to her Catholic Majesty's government, or to any person acting in its behalf.

The revenue laws of most countries provide a system of equitable and summary relief in cases where a fine or forfeiture may have been incurred, willful negligence, or intention of fraud. The department is unable to say whether this provision exists in Cuba and Porto Rico.

If it does, the complaints above referred to seem to show that it has

either been refused, or has been unduly withheld. You will consequently address such representations upon the subject to the minister for foreign affairs at Madrid, as will bring about an inquiry into, and a redress of the grievance adverted to. You will, however, assure him that this government has no intention of seeking to screen any dishonest trader from any willful evasion of the Spanish revenue laws which he may commit. We only desire that the extreme penalty of the law may not be visited upon those who may make accidental mistakes.

It might not be impertinent to refer the minister to the first section of the act of Congress of the 3d of March, 1797, a copy of which is inclosed, which contains the provisions in force in this country in such cases, and which, as we believe, have been found to be entirely satisfactory to individuals concerned, as well as to the government itself.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN P. HALE, Esq., &c., &c., &c.

Mr. Seward to Mr. Hale.

No. 114.]

DEPARTMENT OF STATE,
Washington, July 9, 1868.

SIR: I transmit a copy of correspondence between this department and the vice-consul general of the United States at Havana, on the subject of the bond required by Cuban authorities on account of every person of African extraction who may repair to that island in a vessel of the United States.

The stipulation of the bond is that such persons shall not go ashore during the stay of the vessel in which they may have arrived.

This exaction must have been inconvenient and burdensome, even when such persons were much fewer than they now are, on board of United States vessels proceeding to that quarter. It is very desirable that there should be a repeal, or some relaxation of the regulation. To that end you will present the subject to the Spanish minister for foreign affairs.

You may say to him that while the enactment and enforcement of the regulation are acknowledged to be entirely within the discretion of the Spanish authorities, its necessity or even its expediency under existing circumstances is believed by us to be at least questionable.

Those authorities may be assured, however, that there is no disposition on our part to intervene, or to encourage intervention of any sort, in the domestic affairs of Cuba.

The great change of the political relations between the races in this country has made it the duty of this government to see that no unjust or unnecessary discriminations are made in foreign countries between citizens of the United States of different birth, extraction, or color.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN P. HALE, Esq., &c., &c., &c.

Mr. de La Reintrie to Mr. F. W. Seward.

No. 39.]

CONSULATE GENERAL OF THE UNITED STATES OF AMERICA,
Habana, March 16, 1868.

SIR: I have the honor to inclose herewith an extract of an official letter of the 29th ultimo, received from Mr. Richard Gibbs, the consular agent of the United States at Nuevitas, one of the dependencies of this consulate general.

I inclose, also, a copy of the bond referred to by Mr. Gibbs in his communication.

You will perceive that the evil complained of arises from a police regulation of this island respecting free persons of color coming to this island.

In view of the facts set forth in Mr. Gibbs's letter, I would respectfully request your instructions, in order, if possible, to remove this restriction and tax upon the free colored people and commerce of the United States.

I have not deemed it proper to address myself directly to the captain general upon the subject before ascertaining the views and instructions of the department.

This question has, I understand, been hitherto referred to the Department of State, but it has not received, so far as I am informed, a definite reply or solution.

I am, sir, with great respect, your very obedient servant,

H. R. DE LA REINTRIE,
Vice-Consul General.

Hon. F. W. SEWARD,
Assistant Secretary of State, Washington, D. C.

Mr. Gibbs to Mr. de La Reintrie.

[Extract.]

NUEVITAS, February 29, 1868.

* * * * *

I beg leave to call your attention to certain charges made on American vessels, which go to augment the very heavy expenses already paid by American tonnage in Cuban ports, not only as a charge but, an act of severity to those who are now American citizens. I refer to colored seamen arriving at Cuban ports under the American flag.

All vessels having colored men or women that may act as stewardesses aboard, the authorities here exact from the consignee a bond of one thousand dollars that such colored people will not come ashore during the stay of the vessel in port; if such bonds are not given, the police go aboard of the vessel and the parties are taken and placed in prison until the vessel leaves. When the bond is given, the fees of bond and copy, ordered on stamped paper, amount to \$5 25. I inclose a copy of the bond. This charge comes directly on the vessel, and is paid by the captain, who prefers paying it to having his men taken from aboard.

It is an old law, and in this port had not been carried into effect for some time, until about four years ago, when they have again placed it in operation, and is now vigorously carried out. Some of the captains inform me that it is not so in other parts of the island.

* * * * *

Your most obedient servant,

RICHARD GIBBS,
United States Consular Agent.

H. R. DE LA REINTRIE,
Vice-Consul General of the United States of America, Habana.

[Translation.]

Copy of the bond.

In the city of Nuevitas, on the 27th of February, 1868, before me, a notary public, and witnesses, appeared Mr. Richard Gibbs, representative of the commercial house of R. Gibbs & Co., a resident of this place, and declareth: That the American brig Udola, Captain Whittemore, from New York, consigned to him, anchored in this port on the 25th instant, having on board, as sailors, the negro men George Trimble and Johnny Trimble; and in compliance with article 23 of the Island Decrees, and 21 of Instructions issued the 1st of April, 1849, to prevent the negroes from being taken from the vessel by the police and imprisoned on land till the vessel is ready to leave, he hereby constitutes himself and his commercial house surety for the said negroes, and binds,

himself to keep them on board, under the captain's eyes, and not allow them to go on shore under any pretext whatever, so long as the vessel remains in this port; and if it is proved that they have violated this contract, the surety now present shall pay a fine of 2,000 crowns (exudos) or \$1,000; the penalty inflicted by said article 23 to be collected as by regular suit of court; and to this he subjects all his property, present and future, without recourse of privileges or legal rights.

This is the act of the deponent, and I attest his hand, in presence of the witnesses Hipolito Mier, Manuel Villafuerte, and Idalecio Barreto, all present.

R. GIBBS & CO.
MELCHOR SILVA.

This copy conforms with the original in my notarial office, and I accord it to the petitioner on this day and date.

MELCHOR SILVA.

Fees for copy and stamp, five dollars and two reals, (\$5 25,) paid.

Mr. Seward to Mr. de La Reintrie.

No. 27.]

DEPARTMENT OF STATE,
Washington, March 31, 1868.

SIR: Your dispatch No. 39, of the 16th instant, on the subject of the bonds required for negroes carried to Cuba on board of vessels of the United States, has been received.

As the requirement is pursuant to law, its discontinuance cannot be asked for as a matter of right. It appears, however, that it has not uniformly been enacted, some of the executive officers in Cuba having, it is supposed, deemed themselves warranted by circumstances from dispensing with it. The repeal of the law, or a general discontinuance of the exaction, is very desirable for us, now much more than formerly, since the abolition of negro slavery in this country has much increased the proportion of blacks who seek employment on board of vessels.

You will therefore ask an interview with the captain general, and informally express a hope that a repeal or discontinuance of the requirement may be found to comport with the political and social interests of the island. Such a measure would certainly tend to strengthen the good understanding between the United States and Spain.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HENRY R. DE LA REINTRIE, Esq.,
United States Vice-Consul General, Havana.

Mr. de La Reintrie to Mr. Seward.

No. 63.]

CONSULATE GENERAL OF THE UNITED STATES OF AMERICA.
Havana, June 12, 1868.

SIR: Referring to previous correspondence, contained in my No. 39, of March 16, and to your reply No. 27, March 31st last, respecting the bonds required for negroes brought to the Island of Cuba on board American vessels, I asked for a brief interview with Captain General Lersundi on the 17th of April last, as reported in my No. 46, of the same date.

As he was then about to leave Habana on a visit to Santiago de Cuba, I informed you that some delay would necessarily occur in complying with your instructions, and as at the aforesaid interview he had desired me to communicate in writing with him, I herewith give you a copy of my communication to him of the 4th, and of his reply of the 8th instant.

You will perceive that the captain general declines to act in the matter on the ground that it is not within his attributes, and refers the question to the diplomatic consideration of the department and her Catholic Majesty's minister at Washington.

I am, sir, with great respect, your obedient servant,

H. R. DE LA REINTRIE,
Vice-Consul General.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. de La Reintrie to the governor general.

[Translation.]

CONSULATE GENERAL OF THE UNITED STATES OF AMERICA,
Havana, June 4, 1868.

MOST EXCELLENT SIR: At the interview which I had with you the day before your departure for Santiago de Cuba, when I showed you dispatches received from my government, you asked for a copy of the dispatch in question before answering.

Thereupon I send you a copy of Mr. Seward's dispatch of the 31st of March, which I submit *informally* to your consideration, at your request, hoping you will take the necessary steps to carry out the measure to which Mr. Seward refers.

Yours, respectfully,

H. R. DE LA REINTRIE,
Vice-Consul General.

The GOVERNOR GENERAL of the Island of Cuba.

Mr. Seward to Mr. de La Reintrie.

[Inclosure.]

No. 27.]

DEPARTMENT OF STATE,
Washington, March 31, 1868.

SIR: Your dispatch No. 39, of the 16th instant, on the subject of the bonds required for negroes carried to Cuba on board of vessels of the United States, has been received.

As the requirement is pursuant to law, its discontinuance cannot be asked for as a matter of right. It appears, however, that it has not uniformly been exacted, some of the executive officers in Cuba having, it is supposed, deemed themselves warranted by circumstances from dispensing with it.

The repeal of the law, or a general discontinuance of the exaction, is very desirable for us, now much more than formerly, since the abolition of negro slavery in this country has much increased the proportion of blacks, who seek employment on board of vessels.

You will, therefore, ask an interview with the captain general, and informally express a hope that a repeal or discontinuance of the requirement may be found to comport with the political and social interests of the island.

Such a measure would certainly tend to strengthen the good understanding between the United States and Spain.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HENRY R. DE LA REINTRIE, Esq.,
United States Vice-Consul General, Havana.

The governor general to Mr. de La Reintrie.

[Translation.]

SUPERIOR CIVIL GOVERNMENT OF THE EVER-FAITHFUL ISLAND OF CUBA.

With your dispatch of the 4th instant I received Mr. Seward's of the 31st of March relating to the bonds required in this island on negroes brought from the United States, which you submit *informally* to my consideration.

In reply, I will say that it is not in my power to alter the law requiring the surety, which also applies to national vessels, as it belongs to the government of the Queen, my august sovereign, and I must refer the honorable Secretary of State to her Catholic Majesty's minister in Washington for the consideration of the affair, regretting at the same time my inability to oblige Mr. Seward.

HAVANA, June 8, 1868.

FRANCISCO LERSUNDI.

The VICE-CONSUL GENERAL of the United States of America.

Mr. Hale to Mr. Seward.

No. 142.]

LEGATION OF THE UNITED STATES,
Madrid, San Ildefonso, July 28, 1868.

SIR: I have received your several dispatches numbered 113 and 114; the first about the manner in which the custom-house rules and regulations in the island of Cuba are carried into effect, and the other in regard to the oppressive regulations as to colored citizens of the United States on their arrival in Cuba. As soon as I received these several dispatches, I sent a note embodying their contents to the minister of state, and last evening I received from him replies to the same, copies of which I herewith inclose. As soon as I receive any further advices from the minister of state I will lose no time in advising you thereof.

Last year there was some difficulty in regard to our whaling vessels arriving at the Canary islands, as to the quarantine to which they were subjected, which was ultimately satisfactorily arranged at Madrid, after notice to this legation by the United States consul at Teneriffe of the embarrassments to which they had been subjected.

This year the consul, in anticipation of the like embarrassments, has written me under date of July 13, asking that a similar arrangement may be made this year. On the receipt of this letter, I addressed a note to the minister of state, inclosing to him a copy of the letter aforesaid, asking that a similar arrangement be made this year. Last evening I received from him an answer, a copy of which I herewith inclose, marked A.

Any further advices which I may receive touching this matter I will lose no time in communicating to you, and also to the consul at Teneriffe.

Respectfully yours,

JOHN P. HALE.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Señor Roncali to Mr. Hale.

[Translation.]

MINISTRY OF STATE,
San Ildefonso, July 27, 1868.

MY DEAR SIR: I have received to-day the letter of your excellency, in which you set forth the causes which induce the government of the United States to ask for a modification of the regulations in force in the island of Cuba in respect to the entry of individuals of the negro race in that ultra-marine province.

I have communicated the contents of your said letter to the minister of ultramar, and when he has come to any result on the subject I will give your excellency opportune notice thereof.

I improve this occasion for reiterating to your excellency the assurances of my most distinguished consideration.

EL MARQUIS DE RONCALI.

The MINISTER PLENIPOTENTIARY of the United States.

Señor Roncali to Mr. Hale.

[Translation.]

MINISTRY OF STATE,
San Ildefonso, July 27, 1868.

MY DEAR SIR: I have received your excellency's letter of the 24th of the present month, in which, after referring to the terms in which the fiscal laws in the island of

Cuba are generally carried into effect, your excellency solicits, by request of your government, that an investigation may be instituted on this subject, and that a remedy may be applied to the abuses which occasioned the above-mentioned letter of your excellency.

Notice was immediately given on this subject to the minister of ultramar, and as soon as the determination which he shall judge most convenient is reported, I shall have the honor to communicate it to your excellency.

I improve this occasion for reiterating to your excellency the assurances of my most distinguished consideration.

THE MARQUIS OF RONCALI.

The MINISTER Plenipotentiary of the United States.

A.

Señor Roncali to Mr. Hale.

[Translation.]

MINISTRY OF STATE,
San Ildefonso, July 27, 1868.

MY DEAR SIR: I have received the note of your excellency of the 24th of the present month, relative to the quarantine of three days which is exacted in the Canary islands of whaling vessels. I communicated the letter of your excellency to the minister of gubernacion, as well as the letter of the consul of the United States in Teneriffe, which accompanied it, and I will give you opportune notice of the result arrived at.

I improve this occasion for reiterating the assurances of my most distinguished consideration.

THE MARQUIS OF RONCALI.

The MINISTER Plenipotentiary of the United States.

Mr. Seward to Mr. Hale.

No. 119.]

DEPARTMENT OF STATE,
Washington, August 19, 1868.

SIR: I have to acknowledge the receipt of your dispatch of the 28th of July, No. 142, together with an accompaniment, namely, a note which was addressed to you on the 27th of July last by the Marquis of Roncali, secretary of state for foreign affairs, concerning the regulations which are now in force in the island of Cuba in respect to the entrance of seamen of the colored race into that province. These regulations bear inconveniently upon the commerce of the United States, and tend to excite injurious prejudices against Spain in this country, where happily all men are free. It is hoped the enlightened government of Spain will without unnecessary delay revise a policy which seems to be productive of no considerable benefit, while it cannot be otherwise than a fruitful ground of complaint on the part of friendly nations.

You may give a copy of the substance of this dispatch to the marquis, if it shall seem expedient.

I am, sir, your obedient servant,

JOHN P. HALE, Esq., &c., &c., &c.

WILLIAM H. SEWARD.

Mr. Seward to Mr. Hale.

No. 120.]

DEPARTMENT OF STATE,
Washington, August 19, 1868.

SIR: I recur to your dispatch No. 142. It is pleasant to be assured that the Spanish government will give attention to our representations

of the subject of severe and critical practices in the levying of fines in executing custom-house regulations in Cuba.

At the present moment there is an intermission of those complaints. It is very desirable that no occasion may offer for a renewal of them.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN P. HALE, Esq., &c., &c., &c.

Mr. Seward to Mr. Hale.

No. 121.]

DEPARTMENT OF STATE,

Washington, August 19, 1868.

SIR: I recur once more to your dispatch No. 142. It gives me pleasure to approve of the proceedings taken by the United States consul at Teneriffe in anticipating of possible hindrances to United States whaling vessels, under quarantine regulations at the Canary islands, and I give you the thanks of this department for your promptness in discreetly bringing that important subject to the notice of the Spanish minister.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN P. HALE, Esq., &c., &c., &c.

Mr. Seward to Mr. Hale.

No. 122.]

DEPARTMENT OF STATE, -

Washington, August 27, 1868.

SIR: I have received from the United States minister at Chili a copy of a note, which was addressed to him by the minister for foreign affairs for the republic of Chile, on the 16th of June last, in reply to a note of the United States minister which related to the proposition of the United States to Spain on the one hand, and the republics of the Pacific on the other, offering the good offices of the United States for the adjustment of the controversies, and a restoration of peace among the belligerents. From the Chilian minister's reply it is inferred, that while Chili is unwilling to accept the form of arbitration which was proposed by the United States to the belligerents, yet she would not be unwilling to co-operate with her allies in arriving at peace through means of a truce, which should be without limitation, and which should leave the questions of the war open, and should also leave the belligerents at liberty to renew the war upon due notice given.

The Chilian minister for foreign affairs refers, with apparent favor, in his communication to a proposition of indefinite truce, which appears to have been offered by France and Great Britain. The terms of this reply of the Chilian government would justify this government in retiring from any further continuance of its offices in mediation.

On the other hand, the same friendly disposition for the belligerents which prompted the proposition of this government has prevailed on me to submit the reply of the Chilian government for the consideration of Spain, to the end that her Catholic Majesty's government, if it thinks

proper, may inform the United States whether it is disposed to enter into such a truce as the Chilian government contemplates.

If the Spanish government shall desire the United States to make any further communication on this subject to the Chilian government, I will cheerfully perform that duty.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN P. HALE, Esq., &c., &c., &c.

Mr. Hale to Mr. Seward.

No. 145.]

LEGATION OF THE UNITED STATES,
Madrid, San Sebastian, August 27, 1868.

SIR: In the latter part of May I received from the consul of the United States at Mahon a communication complaining of the treatment shown to the officers and crew of the United States steamer Canandaigua, by the sanitary authorities of that port, and especially in that these authorities had forced the officers and crew of that ship to go on shore and pass review before one of the health officers, a proceeding which the consul qualified, I think justly, as dangerous for the ship and discourteous to the flag of the United States which had been confided to that ship's company to keep and defend. I immediately represented the facts to the minister of state of her Catholic Majesty in such terms as seemed to be demanded by the occasion, and to that note, dated June 1st, I have now received a reply, dated on the 13th instant, at Lequeitio, a neighboring village on this coast, where the court of Spain is now sojourning, accompanied by the minister of state for foreign affairs. A translation of this note goes inclosed, and would seem to be satisfactory in so far as it recognizes the bad conduct of the employés complained of, states that they have been rebuked for the same, and expresses confidence that such incidents will not be repeated in future.

Yours, respectfully,

JOHN P. HALE.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Señor Roncali to Mr. Hale.

[Translation.]

MINISTERIAL DEPARTMENT OF STATE,
Lequeitio, August 13, 1868.

SIR: I have the honor to inform you, in reply to your note of the 1st of last June, that the ministerial department of the interior government of the kingdom has recognized the error of the employés of the quarantine ground at Mahon, in admitting to that lazaretto the war steamer of the United States Canandaigua, and in treating her crew as if they had come from a foul port, whilst the ship should have been subjected only to an observation of three days in one of the ports designated as quarantine grounds for observation; and also that it was abusive to order her officers and crew to disembark and go on shore for the health visit; on which account the disapprobation of the government of her Majesty has been manifested to those employés for their conduct on this occasion, and they have been warned in future to fulfill scrupulously the existing regulations.

I am confident that cases of this nature will not again be repeated, and I avail myself of this occasion to renew to your excellency the assurances of my most distinguished consideration.

THE MARQUIS OF RONCALI.

The MINISTER PLENIPOTENTIARY of the United States.

Mr. Seward to Mr. Hale.

No. 127.]

DEPARTMENT OF STATE,
Washington, September 19, 1868.

SIR: I have to acknowledge the receipt of your dispatch of the 27th of August, No. 145, which is accompanied by the answer of the Spanish government to the complaint which you submitted to it of ill treatment to the officers and crew of the United States steamer *Canandaigua*, by the sanitary authorities at Port Mahon.

The explanations and assurances of the Spanish government are quite satisfactory.

You will please give a copy of this dispatch to the minister for foreign affairs.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN P. HALE, Esq., &c., &c., &c.

Mr. Hale to Mr. Seward.

[Extract.]

No. 147.]

LEGATION OF THE UNITED STATES,
Madrid, San Sebastian, September 27, 1868.

SIR: I have never been so embarrassed in sitting down to write a dispatch to you as at the present time. Fully aware that I should be expected to give you some information in regard to the extraordinary state of things in Spain, when I have attempted it I have found myself unable to give you anything authentic and reliable, save that there exists now, and has for at least ten days past, a serious and extensive rebellion in Spain.

Whenever I have undertaken to write you anything about the rebellion, and I have done so several times since it commenced, I have not finished the dispatch I had begun before other and conflicting reports, equally authentic, have been received, contradicting what I had written. In illustration of what I have here said, I will mention that, on the 22d of this month of September, the government of this province issued the inclosed extraordinary bulletin, marked A, communicating the very important information that the railroad had been cut at various points between this place and Madrid. This telegraphic dispatch arrived at this place, as you will see, at 12 o'clock on the night of the 21st instant, and at that time the Queen was at the railroad station, expecting every moment to leave for Madrid. Of course that news caused her to abandon that purpose, and she left the cars and the station and returned to her lodgings in the house of Don Sebastian, where she has remained ever since. But the next morning, the 22d, at the usual hour, about half-past 9 o'clock, the regular express train from Madrid arrived here and reported that the railroad communication between this place and Madrid was safe and uninterrupted, and in fact it so continues until this moment; and thus it is certain that this "extraordinary official bulletin of the government of the province of Guipuzcoa" (this province) was a total fabrication, entirely destitute of the shadow of truth. Various rumors are in circulation explanatory of this singular circumstance, but I forbear any attempt at reconciling them.

But although the above fact shows that "official extraordinary bulle-

tins" are not always to be implicitly relied upon, we are informed by an official notice, published in the third edition of the *Correspondencia*, as follows: "By order of the superior authority of this province, there shall not be published in the newspapers any other news of the events of the day than such as appear in the *Gazette*," the official organ of the administration. Thus, so far as newspapers are concerned, we are not to have any news except such as the official organ of the administration may publish. Thus situated, in a community where the newspapers are prohibited from publishing anything which the government does not authorize, and the publications of the officials of the province are such as I have shown you, by the extraordinary bulletin herewith inclosed, you will readily conclude that I am not in the most favorable situation or condition for acquiring or imparting reliable news.

I will, however, now give you a few facts which may be relied upon as authentic. The Queen of Spain left Lequeitio, where she had been spending about five weeks, taking sea baths, on the 17th of the present month, by steamboat, and came to this place with the intention of paying a complimentary visit to the French Emperor at Biarritz, a fashionable watering place near here, and just over the dividing line between Spain and France. But on the 18th she received news of a formidable rebellion or insurrection in the southern portion of Spain, in which nearly all the vessels of war in the navy yards and on the coasts took the side of the insurgents. This, of course, broke up the arrangements for the intended visit to France.

The Queen, it is said, and I have no doubt of it, was inclined to go immediately to Madrid, and even to Cadiz, which was said to be in the power of the insurgents, but from this she was dissuaded by some suggestions, I know not what. She has made three several attempts to go since, but by some means has been thwarted, and here she remains still. The rebellion is not confined to any particular locality or portion of the peninsula, but is found in Santander on the north, and Cadiz on the south. Although the railroad communication remains entire and uninterrupted between this place and Madrid, a distance of about 400 miles, it is said to be broken and interrupted in various points in the southern portion of the peninsula; the same is true of the telegraph.

The above, although the account is very meager, is about everything which we have which is reliable. There has been some fighting at Santander, in which the reports say the royal forces were victorious, as well as in some other places, and these reports of the officials generally, from whatever quarter they may come, add that "complete tranquillity prevails in all the rest of the peninsula."

It is impossible at this moment to say what is to be expected. My own opinion is, from the very scanty means of information at my command, that the government will succeed in putting down this attempt at revolution, as they have those that preceded it, although it is certain the movement at the present time appears to have a more formidable aspect than any other since I have been here. Should this attempt not be put down, by the government within a short time it will present rather an embarrassing question for me to decide for myself, viz., where to reside. At present I am the only member of the foreign diplomatic body at San Sebastian, the others being at Madrid or elsewhere. It is said a provisional government has been established at Seville.

* * * * *

With the highest respect, sir, your obedient servant,

JOHN P. HALE.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

A.

[Translation.]

EXTRAORDINARY OFFICIAL BULLETIN.

GOVERNMENT OF THE PROVINCE OF GUIPUZCOA,

Tuesday, September 22, 1863.

The commanding general of the division of Birgos, in a telegram dated 12 o'clock at night of the 21st instant, says to his excellency, the captain general of the Basque provinces, the following: "The minister of war, in a telegram of to-day, at 11 o'clock at night, communicates to me the following: At this moment they advise me that the railroad is cut at various points, and no train can pass." The which, by order of his said excellency, the captain general, is published, so that it may come to the knowledge of the loyal inhabitants of this province.

SAN SEBASTIAN, *September 22, 1863.*

MIGUEL MARIA DE ARTOZCOZ,

The Governor.

Mr. Seward to Mr. Hale.

[Telegram per cable.]

DEPARTMENT OF STATE,

Washington, October 5, 1868.

If new national government is peacefully established in full possession at Madrid, and there remains no contending government in Spain, you will recognize the new government *de facto*, so as to prosecute any necessary business affecting the government of the United States or their citizens.

WILLIAM H. SEWARD.

JOHN P. HALE, Esq., &c., &c., &c.

Mr. Hale to Mr. Seward.

No. 148.]

LEGATION OF THE UNITED STATES,

Madrid, October 9, 1868.

SIR: On the 30th ultimo I had the honor to inform you by telegraph of two very important events in the progress of the revolution in this country, which formed the subject of my dispatch No. 147, from San Sebastian. That dispatch bore date of the 27th September, and on that day, though important positions were in the hands of the insurgents, and the greater part of the naval force in the Spanish forts had joined them, still the important naval station of Carthagena had refused to join them, and a royalist army, supposed to be equal if not superior in force to the insurgent army, confronted the latter on the confines of Andalusia and barred its passage towards the capital.

The Queen's government was sustained apparently by a force of about 80,000 armed men, well appointed and obedient to their government, and distributed over by far the greater portion of the Spanish territory. The people, notwithstanding their knowledge of the serious insurrection among the troops and in the navy, did not appear to have taken any part in the matter. On the 28th of September, however, the army, under Marshal Novalichez, advanced apparently with the intention of dislodging the insurgents from the positions their vanguard had taken at the bridge of Alcolen, over the Guadalquivir, at about seven miles

from Cordova, where Marshal Serrano, commanding the insurgent army, had established his headquarters. The accounts of this action are still too confused to form any correct narrative of the details of the engagement. The attack seems to have been vigorous, and to have been firmly and successfully resisted. Undoubtedly the advantage of position was with the insurgents. The battalions under fire seem to have been heavily reinforced from both sides, but the defense was constantly made good till, at about nightfall, in an assault upon the bridge itself, which I have heard qualified as foolhardy, Marshal Novalichez himself received a very dangerous wound from a shell and was borne from the field, his troops withdrawing from the attack, and those of Marshal Serrano forbearing pursuit. But this action, in its political effects, was decisive.

On the 29th instant the population of Madrid pronounced enthusiastically for the insurgents, and the troops of the garrison fraternized with the people without a struggle. The details of this event will have reached you by telegraph and newspaper. The news swept over Spain like wildfire; and at every point the knowledge of those two events, the defeat of Novalichez and the popular rising of Madrid, seems to have been followed immediately by the rising or adherence of the whole country, marked in every instance and in all places with the same general characteristics of popular enthusiasm, peaceful execution, and thorough completeness.

I am informed that during the night of the 29th, in the palace at San Sebastian, the question of further resistance was debated till 4 o'clock in the morning. It was the wish of a few who immediately surrounded the Queen, that the Basque provinces should arm in her defense. But the representatives of that people, whilst they respectfully assured the Queen that she was personally safe under the protection of their hospitality, firmly resisted her solicitations to levy war in defense of her legal rights. Then preparations for departure were hastily made. The royal train was prepared, and at 10 o'clock on the morning of the 30th the royal carriages, moved towards the station bearing the whole royal family. The bearing of the people was remarkably dignified; not a shout, not an insult, no crowding nor rushing after the carriages, which moved slowly. The guards were turned out, the Bourbon march was played, and royal honors shown to the party as usual; the authorities of the province accompanying the royal train till the French frontier was passed at Hendaye. There they respectfully took leave of the Queen and her family. Her royal guard of halberdiers took leave and turned back to Spain. The Queen and her family entered for the first time, in France, a public railway car, and the dynasty of the Bourbons had fallen.

Events have since happened so rapidly as to almost preclude a detailed reference.

On the 3d instant I sent you a second telegram informing you of the entrance of Marshal Serrano into Madrid, where he was immediately invested with the authority of general-in-chief of the army and of the navy and president of the provisional government of Spain.

On the 1st instant the people of Madrid made their first essay in the exercise of sovereignty, electing, by universal suffrage, a superior revolutionary board or junta of 30 members, which on the 5th instant organized by the election of its officers and replaced the provisional junta, which had been hastily and spontaneously assembled on the 20th ultimo.

Marshal Serrano, Duke of La Torre, had been charged by the first junta to form a cabinet of ministers.

On the night of the 8th instant this was done, and the decree appointing them, signed by the duke as president of the provisional government of Spain, appeared in the Gazette on the morning of the 9th, yesterday.

This government having been thus peacefully constituted, and there being no other contending government within the limits of this kingdom, I considered that the case foreseen by your telegraphic instruction of the 6th instant had arrived, and immediately addressed to the duke an official request for an interview.

This was set for 4 o'clock in the afternoon of yesterday, at which hour I went to the official residence of the duke, accompanied by the secretary of this legation, and was immediately received by the duke, accompanied by the newly appointed minister of state, Senor D. Juan de Lorenzana.

I then addressed the president of the provisional government in English, as appears in the inclosed copy, marked A. The president replied in Spanish, speaking without notes, and his remarks, written immediately after in Spanish, by Mr. Perry, and translated into English, were substantially as appears in the inclosed paper, marked B.

You will also find inclosed the official Gazette of this morning containing a Spanish translation of my speech, and what purports to have been the duke's reply. The latter, however, was prepared afterwards, as I understand, by a gentleman not present at the interview.

Both the president and the minister of state were evidently much pleased with this prompt recognition on the part of the American government. After some informal conversation, in which these sentiments were freely exchanged, I took my leave.

In the same Gazette of to-day, which contains these speeches, you will find on the first page a declaration of rights by the superior revolutionary junta of Madrid, with the names of its members at the foot. On the fourth page is an important circular letter addressed to the governors and local juntas of the provinces, by the new minister of interior government; a document from the Madrid junta, accepting the ministers appointed by the president, Duke of La Torre; and an address by the junta of Madrid to the local juntas of the capital towns and principal cities of the provinces, in which the central junta, on motion of Senor Rivero, leader of the democratic party, resolves to support and maintain the government just constituted, notwithstanding the absence of the democratic element in the new cabinet. This last document is important. Sent by telegram to the provinces, you will notice that it has been immediately responded to; and on the fifth and sixth pages of this Gazette you will find already the telegraphic response of the juntas of the provinces accepting and maintaining the new cabinet and adhering to the declaration of rights published by the Madrid junta.

This is, therefore, a government accepted by the whole nation, and in the peaceful and undisputed exercise of its functions.

Madrid remains constantly tranquil, though about 60,000 stand of arms were indiscriminately distributed to the people on the 30th instant, and the bands of the armed people are seen constantly in the streets since that date.

They are rapidly organizing in battalions, according to their wards, and elect their own officers. They stand guard over the royal palace; over the Bank of Spain; over the ministerial departments, archives and public edifices, performing this voluntary service with rare constancy and perfect courtesy.

In short, sir, the deportment of this people, so long the victim of a corrupt oppression, in the first moments of liberty, with arms in their hands, and in the enthusiasm of victory, has astonished me and will challenge the admiration of the world.

I inclose translations of the declaration of rights before alluded to, and the decree published in the Gazette of yesterday, by which the new cabinet has been constituted.

Respectfully, your obedient servant,

JOHN P. HALE.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

A.

Speech of Mr. Hale.

MR. PRESIDENT: By command of my government, recognizing the fact that the people of Spain, in the exercise of that high prerogative which rightfully pertains to every people, have fundamentally changed their system of government, in the name and on behalf of the government and people of the United States of America, I come to offer their congratulations on the quiet, efficient, and thorough manner in which this great change has been effected.

A government claiming to be founded on divine right has been overthrown, and a government founded on a right still more divine, the right of the people, has been established in its place.

As Spain was among the first of the nations of the earth to hail the advent of the United States of America in the family of nations, so now, in grateful return, they make haste to congratulate the Spanish people on their political regeneration.

In thus establishing diplomatic relations with the government over which your excellency presides, I recall with pleasure the fact that the United States and Spain have never had any difference which diplomacy has not been able to reconcile.

I hardly need add that in the present circumstances no effort of mine will be spared for strengthening and rendering more cordial the sentiments of sincere friendship and good will now so happily subsisting between the two nations.

[Translation.]

Marshal Serrano, Duke de la Torre, president of the provincial government, made this response to the American minister:

MR. MINISTER: Nothing could be more grateful to my heart than to receive on this solemn occasion, in the name of the Spanish people, the congratulations you offer on the use they have made of the prerogative that emanates from their sovereignty.

Now that the first portion of the task is finished, and all the obstacles to the establishment of national institutions removed, the new order of things that must soon arise from what has ceased to exist, in the first exercise of that sovereignty, will also deserve in due time. I assure you, the felicitations of your government and the sympathy of the United States.

The memories which you now so pertinently recall are pleasant to my recollection, and Spain, which under present circumstances needs, and no doubt will deserve, the encouragement of all nations that love liberty and know how to preserve it, gratefully accepts the sympathy of those magnanimous nations, like the United States, that spare no sacrifice to maintain their free institutions in their perfect integrity.

The diplomatic relations continued by this act between your government and that over which I have the honor to preside will, from this day forward, be more intimate and cordial, as they ought to be between nations that have had no difficulties but what have been amicably settled, and that, in homage to the same principle of sovereignty, exercise it in the establishment of their institutions in a definite and permanent manner, each with due regard to its national peculiarity.

Declaration of rights.

The superior revolutionary junta, faithful to its high origin, makes the following declaration of rights:

Universal suffrage.
Liberty of worship.
Liberty of teaching.
Liberty of assembling and of pacific associations.

Liberty of printing without special legislation.

Decentralization of the administration, returning to the provinces and the municipalities their autonomy.

Trial by jury in all criminal cases.

Unity of legal rights in all branches of the administration of justice.

Immobility of the judges.

Individual security, inviolability of domicile, and of private correspondence.

Abolition of the death penalty.

JOAQUIN AQUIRRE, *President.*

NICOLAS RIVERA, *Vice-President.*

(And 24 other signatures.)

MADRID, October 8, 1868.

Officials of the provisional government of Spain:

Decree issued from the war department:

In compliance with the duty intrusted to me by the nation, and by the power with which it has clothed me, as the president, I now form the following provisional government:

Department of War.—Lieutenant General Don Juan Prim, Marquis de los Castellejos.

Department of State.—Don Juan Alvarez de Lorenzana.

Department of Grace and Justice.—Don Antonio Romero Ortiz.

Department of the Navy.—Don Juan Topete, Commander of the Fleet.

Department of Finance.—Don Lameano Figuerola.

Department of Government.—Don Praxedes Mateo Sagasta.

Department of Industry.—Don Manuel Ruiz Zorilla.

Department of the Colonies.—Don Adelardo Lopez de Ayala.

EL DUQUE DE LA TORRE,

President of the Provisional Government.

MADRID, October 8, 1868.

Circular from the department of government to the civil governors and government councils of Spain.

The provisional government having been organized, and the first part of our glorious revolution being finished, the minister undersigned feels it his most pressing duty to address the councils and all constituted authorities in the country and explain to them the patriotic intentions of the government, and tell them what to do to preserve the glory of our revolution, to assure confidence at home and retain the sympathy, admiration, and applause so readily awarded to us by Europe and America at the dawn of our regeneration.

Our easy victory and the moderation in which we enjoy it seem singular to those who look upon us from a distance, without knowing the vices and corruption of the oppressive system under which we were living or the proverbial virtues of the Spanish character.

The glorious revolution, begun in Cadiz, has emboldened those timid souls that bowed their necks to the yoke of a corrupt government in dread of the horrors of anarchy or the fury of angry passions.

To their everlasting glory, the Spanish people have demonstrated to the world that they not only could rise up against the tyranny that oppressed and degraded them, but, after the victory, could preserve that moderation that shows an education sufficient to enter boldly into paths trodden by a free people.

Honorable in every way as this revolution has so far been—and we may be proud of it, as history records no other such—we would sin as prodigals, and fail in our patriotic duty, if we halted a moment on the way, before completing the work we so auspiciously began with so much enthusiasm.

If we would preserve the great advantages obtained in so brief a time, we should exercise unremitting vigilance, encouraged by patriotism, honor, and confidence in a free future. We must remember that the enemies of our honor and liberties have secreted themselves among the people, and have assumed the mask of patriotism to mislead them and induce them to commit outrages that would disgrace our nation and sully the purity of our revolution. If it was formerly a painful necessity to resort to arms to overthrow a government that humbled and degraded us, now that we are peaceful victors we must preserve order; and the provisional government is determined to do this in fulfillment of the great duty it owes to the country.

Fortunately we have no sanguinary deeds to lament so far; but the few that have occurred will prove a warning and may prevent the perpetration of others. If some are guilty, there are courts to try them and punish them. Mobs must not undertake to administer justice, lest innocent victims be sacrificed and the fury of personal resentment turn to vengeance. Such acts are unworthy of a civilized nation, and the pro-

visional government would not tolerate them, for it has assumed the reins of state to conduct the nation to the enjoyment of liberty, and not to let it perish in anarchy.

Having explained the intentions of the government in this particular, it remains for me to advise you to deserve the country's thanks by maintaining order at all risks, delivering over to the courts of justice all those that disturb it under any pretext, for they are the true enemies to liberty, and might cause us many sacrifices and tears if left to pursue their wild career.

May God give you many years.

PRAXEDES MATEO SAGASTA.

Minister of Government.

MADRID, October 9, 1868.

Dispatch of Señor Aquirre, president of the superior revolutionary council, to Señor Serrano, president of the provisional government.

MOST EXCELLENT SIR: This superior revolutionary council is much pleased to receive your communication, giving the form of government you have chosen, in concert with the Marquis of Castellajos, (General Prim.)

The worthy officers you have selected is a proof to this council that we may expect the sacred principles inscribed on our revolutionary banner to be enforced by the supreme power, and we do not hesitate one moment to offer you our most frank and decided support.

This council hopes that all the provinces will hasten to approve of the constituted government, thus fulfilling a duty of patriotism.

On acknowledging the reception of your communication, the council hopes that you will act as interpreter of these sentiments to your worthy colleagues.

God give you many years.

JOAQUIN AQUIRRE.

His Excellency Don FRANCISCO SERRANO Y DOMINGUEZ,

Duque de la Torre.

MADRID, October 8, 1868.

Circular telegram from the revolutionary council of Madrid to the provincial councils.

At a large meeting of the democratic party, it was resolved, on motion of Mr. Rivera, to support the recently constituted government, in hopes that the programme of Cadiz may be faithfully carried out. At this meeting, and afterwards from the balcony of government house, Mr. Rivera, introduced by Mr. Aquirre, spoke in the name of the democracy, and counselled all citizens to extreme vigilance in the preservation of order. His speech was warmly applauded by the people. On quietly retiring, they shouted for Rivera and for General Prim, who was seated by his side, and who also made a speech.

MARQUIS VEGA DE ARMIJO,

Vice-President.

TELESFORO MONTEJO,

INOCENTE ARTIZ Y CASADO,

Secretaries.

The above telegram was answered by many of the provincial councils, approving the constituted provisional government.

Mr. Seward to Mr. Hale.

[Telegram per cable.]

DEPARTMENT OF STATE,

Washington, October 13, 1868.

Reciprocate in President's name the salutations of the provisional government, communicated by Spanish minister here, and tender best wishes of United States for peace, prosperity, and happiness of Spain; under present and definitive government.

WILLIAM H. SEWARD.

JOHN P. HALE, Esq., &c., &c., &c.

Mr. Seward to Mr. Hale.

No. 134.]

DEPARTMENT OF STATE,
Washington, November 9, 1868.

SIR: I have to acknowledge the receipt of your dispatch of the 9th of October, No. 148, which gives a detailed and interesting history of the revolution which has taken place in Spain, and of your own proceeding in relation to that great transaction. The dispatch supplies for the records of this department much information which it has failed to receive from the telegraph and from the press. The views of this government in regard to the matters thus presented having been heretofore made known to you by the telegraph, it remains for me now only to commend the diligence and discretion which you have practiced in those delicate and important affairs.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN P. HALE, Esq., &c., &c., &c.

SPANISH LEGATION.

Mr. Tassara to Mr. Seward.

[Translation.]

LEGATION OF SPAIN IN WASHINGTON,
Washington, February 11, 1867.

The undersigned, minister plenipotentiary of her Catholic Majesty, has received notice that the steamer Cuyler, lately detained by the authorities of New York for violation of the neutrality laws, was about to be permitted to depart for her place of destination.

The honorable Secretary of State is acquainted with the antecedents of the affair so far as this legation is concerned. The undersigned, aware that it was intended to take from those ports not only that vessel, which was then denounced under the name of Schuyler, but also one or more others, respecting which the same circumstances had concurred or might concur, he communicated more than once his suspicions, in the first place to the department, and afterwards to the police of New York, which, in view of the evidence of the fact, and in virtue of fresh data, proceeded ultimately to the detention of the Cuyler.

In view of this proof there is nothing to make the undersigned believe but that the government as well as the United States authorities are disposed to prevent the violation of the neutrality laws, and in now addressing himself to your department, nothing is further from his mind than to call in question these good dispositions.

Considering, however, the singularity and complication of an affair in which the agents of another power also neutral appear to be interfering, he thinks it his duty to guard against any error or surprise that might be attempted, to compromise directly or indirectly the neutrality of the government of the United States. His reason for doing so is so much the greater, as he is conscious that an attempt was made, and is perhaps now making, to purchase and dispatch from the same port of New York two other vessels, one of which appears to be named the Tartar, attended by similar circumstances and under the same flag as the Cuyler.

Under these circumstances, the fact, from the evidence before us, would be still more serious, and in itself as difficult of explanation as the departure of the Cuyler.

Whatever turn this affair may be destined to take, the undersigned hopes that the question of neutrality, instead of becoming more complicated, will remain in the state in which the authorities have placed it by their impartial conduct, not doubting but that this government will consider itself now more under obligation to maintain and cause to be maintained its present attitude, as that alone would perhaps contribute to the realization of the peaceful views which it seems to entertain on the Pacific question.

The undersigned accepts, &c.,

GABRIEL G. TASSARA.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Mr. Tassara.

DEPARTMENT OF STATE,

Washington, February 14, 1867.

SIR: I have the honor to acknowledge the receipt of your note of the 11th instant, relating to the steamer R. R. Cuyler, and other vessels which you apprehend are about to depart from New York in violation of the neutrality laws of the United States.

The steamer particularly referred to by you was seized by the revenue officers at the port of New York, in ignorance of the facts that the owners of the vessel, as well as the representative of the United States of Colombia accredited to this government, had several weeks since informed this department of the sale of the steamer, completely fitted as a man-of-war, to the United States of Colombia.

The evidence upon which the seizure was made has been examined by the Attorney General, who is of the opinion that it was insufficient to impeach the good faith of the transaction. As it appears, however, that the title to the vessel was not to pass to the United States of Colombia until the delivery of the steamer at one of the ports of that government, it has been determined that the owners shall, before the release of the vessel, be required to furnish the security prescribed by our neutrality laws that she will not be employed by them to cruise or commit hostilities against the subjects and property of any power with which the United States are at peace.

You may be assured that there will be no abatement of the vigilance which has been constantly exercised to prevent any violation by our citizens of their neutral obligations.

I am, sir, with the highest consideration, your obedient servant,

WILLIAM H. SEWARD.

Señor Don GABRIEL GARCIA Y TASSARA, &c., &c., &c.

Mr. Tassara to Mr. Seward.

[Translation.]

LEGATION OF SPAIN AT WASHINGTON,

Washington, February 20, 1867.

The undersigned, minister plenipotentiary of her Catholic Majesty, had the honor to receive yesterday evening the note which, under date

of 14th, the honorable Secretary of State pleased to address to him, answering his of the 11th, about the detention of the Cuyler, and would have nothing to reply to it if the case were simply that of a neutral power like the United States of Colombia, which might treat of buying ships of war in these States.

The honorable Secretary of State knows, nevertheless, how much and how essentially the affair is complicated by the undoubted existence of a plan, the object of which was to cause the Cuyler to pass into the power of the republics of the Pacific; and although the Attorney General may be of opinion that the evidence is not sufficient to inculpate the good faith of the transaction, the fact alone is sufficient to excite the gravest suspicions and to engage the government of the United States to cause its neutrality to be respected.

The undersigned is far from believing that a neutral government, and friendly to Spain as that of Colombia, would avail of her neutrality to cover the contraband of vessels of war against others belligerent.

He must rather suppose and does suppose that the Colombian government is entirely a stranger to the project which has been attempted to be carried out under its auspices and beneath its flag. This reserve made, however, I hold that the government of the United States, in obedience to the principles it has so highly proclaimed in the matter, ought to have allowed an investigation to have proceeded which would have brought to light the true nature of such transaction, because, as the honorable Secretary of State could do no less than admit, the bond, however ample and effective it might be, would only require the Cuyler to enter a Colombian port for a moment, without thereby impeding the realization of any project such as that which has been the cause of her detention.

While writing this note the undersigned receives news that the bond for the Cuyler has been fixed at \$200,000, a sum which it is supposed not only does not come up to double the value of the vessel and her cargo, but does not even equal that amount.

Repeating, therefore, his reservations, he thinks it his duty to protest, trusting yet that the government of the United States will do what is in its reach to prevent that through any indirect means neutrality shall be violated.

The undersigned avails of the occasion to reiterate to the honorable Secretary of State of the United States the assurance of his highest consideration.

GABRIEL G. TASSARA.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Tassara to Mr. Seward.

[Translation.]

No. 13.]

LEGATION OF SPAIN AT WASHINGTON,

Washington, February 25, 1867.

Referring to his note of the 20th about the Cuyler, the undersigned, minister plenipotentiary of her Catholic Majesty, finds himself under the unavoidable duty of bringing to the knowledge of the honorable Secretary of State that by the mail of yesterday evening he has received from New York reports which give a character, each time more singular and more serious, to the matter, and which place him under the necessity of again calling to it the attention of your department.

It appears in fact that the Cuyler not only has been delivered to her owners, and is at liberty to go to sea, but also that this was to take place on the afternoon of the day before yesterday, the 23d. It also appears that at the latest hour indications were noticed on board of the same plotting, which had already before caused her detention, there resulting therefrom complications between the owners and such crew, hindering for a moment her departure. It seems, in fine, that the steamer is notwithstanding to go to sea, and that the idea in general pervading New York is that more or less directly she is going to cruise against Spanish vessels.

Reiterating therefore anew his reservations, but reiterating also his protests, and in the supposition that they may yet be in season for the appliance of a remedy, the undersigned believes it his duty to advise the honorable Secretary of State of the case, at first glance very improbable, but which circumstances make appear possible, of so flagrant a contravention as this would be of all the laws and principles of neutrality.

The undersigned avails of this occasion to reiterate to the honorable Secretary of State the assurances of his highest consideration.

GABRIEL G. TASSARA.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Mr. Tassara.

DEPARTMENT OF STATE,
Washington, March 1, 1867.

SIR: With reference to your notes of the 20th and 25th ultimo, on the subject of the Cuyler, I have the honor to acquaint you that I have consulted my colleague, the Attorney General, who says that after the most careful consideration he does not see upon what ground, as the law officer of the United States, he can take or advise any action in addition to that heretofore taken in reference to the vessel referred to.

According to Mr. Stanbery's judgment the course of action which has been taken is in strict accordance with the neutrality laws of the United States.

The Attorney General adds that he is happy to see that you acquit the Colombian government of all participation in any unlawful purpose in reference to the purchase and destination of the vessel.

That the suspicious circumstances to which you refer do not inculpate that government or the American merchants who have sold and are bound to deliver the Cuyler at one of the Colombian ports into the possession of the government of that republic.

That you refer wholly to suspicious circumstances, attaching to some of her crew, which have led, as you state, to complications between the crew and the owners, causing delay in her departure. That it is upon the footing of such suspicious circumstances that the bond was required of the owners. That as to the sufficiency in the amount, which you say is supposed not to amount to double the value or even to the actual value of the vessel, the Attorney General has only to say that the value of the vessel was fixed by the proper officers of the United States, who it must be inferred have understood and have faithfully performed the duty of appraisalment.

That the United States has done what was proper in reference to the vessel, her present owners, and the Colombian government; both acting

in good faith to provide the proper safeguard against the alleged designs of others towards her Catholic Majesty's subjects and their commerce.

That whatever ulterior designs may be suggested as to the course to be pursued by the Colombian government after the vessel shall come into its possession, the United States can only entertain the same conviction as that expressed by you of the entire good faith of that government.

I am directed to inform you that these views of the Attorney General have been adopted, and are sanctioned by the President.

I avail myself of this occasion to renew to you the assurances of my very high consideration.

WILLIAM H. SEWARD.

Señor Don GABRIEL GARCIA Y TASSARA, *&c.*, *&c.*, *&c.*

Mr. Goñi to Mr. Seward.

[Translation.]

LEGATION OF SPAIN AT WASHINGTON.

Washington, March 30, 1868.

The undersigned, envoy extraordinary and minister plenipotentiary of her Catholic Majesty, has the honor to address himself to the honorable Secretary of State of the United States, begging on his part a friendly action in the matter of which he is going to occupy himself.

The history of the steamer Cuyler is of public notoriety—her sailing in January, 1866, from New York for one of the ports of Colombia, as well as that the government of her Catholic Majesty finding herself at war with some republics of the Pacific, and having credible information as to the ulterior destination of the said vessel, sent maritime forces to the port of Cartagena in order to watch her and to impede her passing into the power of Peru, or her being employed in any manner against the interests of Spain.

The undersigned has sufficient reason to believe that the government which now governs at Bogota, and which in the matter of the Cuyler has manifested the loyalty and good faith which are fit to a neutral nation, would guarantee to retain in its power the Cuyler during the continuance of the state of war, on condition that the Spanish government withdraw its force of observation from Cartagena. If this should come about on the part of the government of Colombia, that of Spain, which had no other interest in watching the vessel but to prevent her from being employed to its prejudice, would withdraw its forces from Cartagena under the guarantee of the Colombian government.

Supposing that which he has just expressed, and Spain not having any representative at Bogota, the undersigned would be very specially grateful to the honorable Secretary of State, who has given such signal proofs of the conciliatory spirit which animates him respecting the war of the Pacific, to employ his good offices, through the medium of the minister of the United States at Bogota, to bring about this event. If the minister, Mr. Sullivan, can obtain from the government of Bogota the compromise not to deliver the Cuyler to any government or person during the existence of the state of war between Spain and the republics of the Pacific, the Spanish government would immediately withdraw the maritime force of vigilance which it maintains at Cartagena, returning the pieces of machinery of the Cuyler at present held as a guarantee.

The undersigned, expecting this new proof of friendly complaisance from the honorable Mr. Seward, improves the opportunity to reiterate to him the assurances of his highest consideration.

FACUNDO GOÑI.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Mr. Goñi.

DEPARTMENT OF STATE,
Washington, April 17, 1868.

SIR: I have the honor to acknowledge the receipt of your note of the 30th ultimo, relative to the steamer Cuyler, and to inform you in reply that the arrangement which it proposes has been made known to Mr. Sullivan, the United States minister at Bogota, who has been instructed to endeavor to cause it to be carried into effect.

I am, sir, with high consideration, your obedient servant,

WILLIAM H. SEWARD.

Señor Don FACUNDO GOÑI, &c., &c., &c.

Mr. Seward to Mr. Goñi.

DEPARTMENT OF STATE,
Washington, May 15, 1868.

The Secretary of State presents his compliments to Mr. Goñi, her Catholic Majesty's minister plenipotentiary, with the following information, namely:

On the 19th of April last, the United States minister at Lima communicated to the minister for foreign affairs in Peru a copy of the circular letter in which the undersigned renewed his proposition of good offices for the adjustment of the difficulties between Spain and the allied republics of the Pacific.

The undersigned is informed that the minister for foreign affairs of Peru expressed himself as being decidedly in favor of the armistice, but stated, at the same time, that it would be necessary to lay the matter before the government of Peru and its allies. He assured the United States minister that such a proceeding would be adopted immediately, and the result would be promptly communicated.

The undersigned avails himself of this occasion to offer to Mr. Goñi renewed assurances of his highest consideration.

WILLIAM H. SEWARD.

Señor Don FACUNDO GOÑI, &c., &c., &c.

Mr. Goñi to Mr. Seward.

[Translation.]

LEGATION OF SPAIN AT WASHINGTON,
Washington, May 23, 1868.

The undersigned, envoy extraordinary and minister plenipotentiary of her Catholic Majesty, has the honor to present to the consideration of the honorable Secretary of State what follows:

It is already a notorious fact, as published by the daily press in the United States, as well as in that of Peru, and neither contradicted nor denied, nor called in question by any one, that the armor clad ships *Catawba* and *Oneota*, bought by Messrs. Swift & Co., of Cincinnati, have been purchased for the government of Peru, to which they at this time belong, and that they are preparing for departure, more or less early, bound for that republic from the port of New Orleans, where they now actually are. This being understood, the undersigned, repeating the verbal reclamations which he has at various conferences made upon the subject, now addresses himself to the honorable Secretary of State, invoking his recognized uprightness, his loyalty towards friendly nations, and the noble perseverance with which he has upheld respect for the laws of neutrality, to the end that he may hinder the departure to sea of the monitors *Catawba* and *Oneota*, while the state of war exists between Spain and Peru.

The undersigned, on the present occasion, thinks he may hope for the most efficient action from the honorable Secretary of State for most especial and extraordinary reasons. First, if the state of war still subsists, it is not by fault of the Spanish government, which has shown dispositions propitious to the adjustment of a peace worthy and honorable for all parties, having always met the friendly invitations given by the Hon. Mr. Seward, and in consequence suspending active hostilities. Secondly, that the government of her Catholic Majesty having now presented the question of peace in a positive manner to the honorable Secretary of State, it ought to trust, and does trust, that while Peru and the allied republics do not proffer themselves to enter upon the negotiations proposed, the government of the United States will not consent that in this country any detriment shall occur to the rights of Spain in derogation of the laws of neutrality.

The undersigned avails of this occasion to reiterate to the honorable Secretary of State the assurance of his highest consideration.

FACUNDO GOÑI.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Goñi to Mr. Seward.

[Translation.]

LEGATION OF SPAIN IN WASHINGTON.

Washington, June 30, 1868.

The undersigned, envoy extraordinary and minister plenipotentiary of her Catholic Majesty, on referring to his note of the 23d of May last, relative to the monitors *Catawba* and *Oneota*, has the honor to call the attention of the honorable Secretary of State once more to the contents of that note.

Two circumstances move the undersigned to insist again upon this affair. 1st. It is known to the undersigned that the minister of Peru has solicited permission from the government of the United States to take possession of the monitors, contending that the existing situation between Spain and Peru is not a state of war, which assertion is entirely without foundation; and 2d, that the monitors now in the port of New Orleans are not apparently sufficiently guarded to prevent them from going to sea, as the undersigned is aware of no official measures having been taken to prevent their departure.

In regard to the assertion of the government of Peru, the undersigned hopes the honorable Secretary has rejected it, as it deserves. The state of war between the nations exists so long as the belligerent and interested parties do not stipulate for peace, and in the present case, not only has peace between Spain and Peru not been agreed upon, but the government of Peru has not, up to this time, even accepted the good offices tendered for that purpose by the government of the United States.

We cannot conceive, therefore, how the government of Peru could make such a request of the United States, as its grant would imply a violation of the law of nations, a serious offense to the laws of neutrality of this country, and a want of reciprocity in the friendship and conciliatory sentiments manifested by the government of her Catholic Majesty on accepting the good offices of the government of the United States for the settlement of the contest. Fortunately, the honorable Secretary of State, in his note of the 23d of April, to Mr. Garcia, minister of Peru, expressed his opinion in conformity with this doctrine, in judging of the present situation between Spain and Peru, and therefore the undersigned hopes he may be excused for insisting upon that point. If the government of Peru desires the present situation to be converted into one of peace, why does it not accept the good offices tendered by the government at Washington? But as it has not accepted them, how can it believe that this government is to consider the present situation as a state of peace, neither perfect nor imperfect? The undersigned trusts that the honorable Secretary of State will reject such unfounded pretensions as exceedingly inconsistent. From what has been said, the undersigned feels obliged to insist upon the adoption of peremptory measures to prevent the departure of those monitors. It appears from common report, that the said vessels are not in the hands of the local authorities, and it is not known what order has been issued about them.

The undersigned, therefore, once more invokes justice from the government of the United States, and begs that immediate measures be taken to detain the monitors *Catawba* and *Oneota*.

The undersigned hopes the honorable Secretary of State will be pleased to communicate to him the resolutions adopted in conformity with the claims of right and justice.

The undersigned embraces the occasion to renew to the honorable Secretary of State the assurances of his very high consideration.

FACUNDO GOÑI.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Mr. Goñi.

DEPARTMENT OF STATE,

Washington, July 9, 1868.

The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of a note from Mr. Goñi, minister plenipotentiary of her Catholic Majesty, written on the 30th of June last, in which Mr. Goñi directs the attention of the undersigned to the affair of the monitors *Catawba* and *Oneota*. Mr. Goñi mentions two circumstances which move him to insist upon the detention of those monitors, namely: first, that the minister plenipotentiary of Peru has solicited permission from the United States government to take possession of the monitors, contending that the existing situation between Spain and Peru is no longer one of war, which assertion Mr. Goñi pronounces to

be entirely without foundation; and secondly, that the monitors now in the port of New Orleans are not apparently sufficiently guarded to prevent them from going to sea, as the undersigned is aware of no official measures having been taken to prevent their departure.

Mr. Goñi dwells upon the fact that the United States have tendered their good offices to Spain and to her antagonists, the Pacific republics, and that while Spain has promptly expressed her disposition to accept those good offices with a view to the establishment of peace, Peru has not accepted them, nor given any conclusive reply upon the subject. Mr. Goñi argues from this fact that the government of Peru cannot rightfully claim that the government of the United States shall, during those overtures, pronounce the state of war to be closed and the state of peace to have been reached by the silent consent and concurrence of the parties.

Upon the grounds thus mentioned Mr. Goñi feels himself obliged to insist upon the adoption of peremptory measures to prevent the departure of the monitors in question. He fortifies this position by stating from common report that the vessels are not in the hands of the local authorities, and it is not known what orders have been issued about them. He begs, therefore, that immediate measures be taken to detain the monitors *Catawba* and *Oneota*.

The undersigned has the honor, in reply, to inform Mr. Goñi, in the first place, that the Peruvian government on its part insists that the situation of war between herself and allies on the one part, and Spain on the other, has practically come to an end by the cessation of all hostilities on either side since the second day of May, 1866.

The undersigned has further the honor to inform Mr. Goñi that the Peruvian government alleges in support of its position the fact that Chili and Spain, Chili being one of the allied belligerents and Spain the other belligerent, have, in the present year, voluntarily joined themselves together in peaceful and friendly concert and co-operation in waiving objections to the clearance from British ports of ships of war for the respective parties. So far as this department is informed, this statement is not controverted by the Spanish government, and Peru insists that the proceeding is equivalent to an acknowledgment on the part of Spain of the pretensions made by Peru that the situation of war between the belligerent republics and Spain has come to an end. Peru agrees in this respect that Spain cannot claim before the government of Great Britain to be at peace and at the same time claim before the government of the United States to be at war with Peru and her allies, the position of the United States and Great Britain in regard to the belligerents being identical.

Mr. Goñi is informed, in the third place, that the Peruvian government distinctly proposes to the government of the United States that, if it shall consent to the clearance of the *Catawba* and the *Oneota*, the Peruvian government will give adequate security that those vessels shall not be employed in any hostile proceeding against Spain or any other nation on their way to the port of Callao, in the Pacific, but shall keep the peace until the vessels shall have arrived in the harbor of Callao, there to be used for purposes of domestic defense and security.

Mr. Goñi is further informed, in the fourth place, that the House of Representatives having taken the subject of the sale and proposed departure of these vessels into consideration with a view to some possible legislative action thereupon, directions have been given by the President that those vessels shall not receive clearance or be permitted to depart while the subject is engaging the attention of Congress. The vessels are for this reason detained at present, and will be so temporarily de-

tained, whatever appearances or presumptions to the contrary may anywhere exist.

In consequence of the proceedings of the House of Representatives which have been referred to, it seems to the President that the occasion has not yet arrived when it will be necessary for him to decide the grave question which has been raised before this government between the ministers of Spain and Peru, namely the question whether the war which was heretofore waged between those nations has been practically brought to an end or not. Frankness, however, obliges the undersigned to say that unless some unforeseen circumstances shall soon occur, the time for acting upon that question would seem to be near at hand.

The undersigned freely admits the difficulties which are likely to attend the decision of the question. It is certain that a condition of war can be raised without an authoritative declaration of war, and, on the other hand, the situation of peace may be restored by the long suspension of hostilities without a treaty of peace being made. History is full of such occurrences. What period of suspension of war is necessary to justify the presumption of the restoration of peace has never yet been settled, and must in every case be determined with reference to collateral facts and circumstances.

The proceedings of Spain and Chili which have been referred to, although inconclusive, require an explanation on the part of either of those powers which shall insist that the condition of war still exists. Peru, equally with Spain, has as absolute a right to decline the good offices or mediation of the United States for peace as either has to accept the same. The refusal of either would be inconclusive as an evidence of determination to resume or continue the war. It is the interest of the United States, and of all nations, that the return of peace, however it may be brought about, shall be accepted whenever it has become clearly established. Whenever the United States shall find itself obliged to decide the question whether the war still exists between Spain and Peru, or whether that war has come to an end, it will make that decision only after having carefully examined all the pertinent facts which shall be within its reach, and after having given due consideration to such representations as shall have been made by the several parties interested.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

Señor Don FACUNDO GOÑI, &c., &c., &c.

Mr. Seward to Mr. Goñi.

DEPARTMENT OF STATE,
Washington, July 22, 1868.

SIR: The undersigned, Secretary of State of the United States, has the honor to communicate herewith, for the information of Mr. Goñi, her Catholic Majesty's minister plenipotentiary, a transcript of the reply of the Colombian government to the request made at his instance and under instructions from this department by the minister of the United States at Bogota, that measures might be taken to prevent the sailing of the war steamer R. R. Cuyler or El Rayo, during the existence of war between Spain and certain Spanish-American republics.

The undersigned offers to Mr. Goñi renewed assurances of his highest consideration.

WILLIAM H. SEWARD.

Señor Don FACUNDO GOÑI, &c., &c., &c.

(For inclosure see correspondence with the United States of Colombia.)

Mr. Goñi to Mr. Seward.

[Translation.]

LEGATION OF SPAIN AT WASHINGTON,
Washington, July 23, 1868.

The undersigned, minister plenipotentiary of her Catholic Majesty, has received the communication which, under date of the 22d instant, the honorable Secretary of State of the United States was pleased to address to him, remitting to him copy of the note sent on the 15th of June, by the secretary of foreign relations at Bogota, to the minister, Mr. Sullivan, relative to the detention of the steamer R. R. Cuyler or El Rayo.

The undersigned, in his name and in that of the government of her Majesty, can do no less than manifest to the honorable Secretary of State the most profound gratitude for his loyal and friendly mediation in the affair, and for the satisfactory result which it produced.

The undersigned offers to the honorable Secretary of State fresh assurances of his highest consideration.

FACUNDO GOÑI.

HON. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Goñi to Mr. Seward.

[Translation.]

LEGATION OF SPAIN AT WASHINGTON,
Washington, July 29, 1868.

The undersigned, envoy extraordinary and minister plenipotentiary of her Catholic Majesty, has the honor to reply to the note, in the matter of the monitors Catawba and Oneota, which the honorable Secretary of State of the United States was pleased to address to him on the 9th instant, and passes on to notice the contents thereof.

The honorable Secretary of State, in the note referred to, informs the undersigned that the government of Peru maintains that the state of war between Spain and the allied republics has terminated, alleging, for reason, that active hostilities have been suspended for more than two years, and quoting that Spain and Chili had reciprocally consented to the departure of some vessels of their respective flags, which were detained in British ports, from which fact the government of Peru infers that Spain cannot say she is at peace in respect of the British government, and say that she is at war in respect of the government of the United States.

The undersigned can do no less than state that the singular pretension of the government of Peru causes him extreme surprise. To say that a state of war does not exist when, nevertheless, no proposition of peace has been accepted, is an affirmation equally gratuitous and new, which it is not necessary to contest.

As to the facts alleged, no one of them implies, even remotely, the cessation of war. The fact of hostilities being suspended on the part of Spain is the consequence of the acceptance of the good offices offered to the belligerents by the government of the United States on the 20th of December, 1866. In respect of the departure of Spanish and Chilian vessels, detained by the government of Great Britain in fulfillment of her duties as a neutral power, the undersigned does not know, with exactness, what happened in London, although he has reasons for thinking

that there was not any formal and direct agreement between the representatives of both nations, but at all events, and even if such had existed, that could not alter or modify the situation in which both parties find themselves. To pretend that the consent to the departure of the vessels respectively means a declaration of a state of peace, would be equivalent to maintaining that any special agreement of two belligerent States, whether about an exchange of prisoners, or furnishing supplies, or any other partial and limited point, would imply the termination of the war. It is, therefore, not a logical consequence which the Peruvian government deduces from the act which occurred in London, nor the signification attached to it, well founded. Besides, it is proper to note the fact, that whatever might be the importance of the arrangement of London, that arrangement took place between Spain and Chili, and not between Spain and Peru; and the Peruvian government, however much allied with that of Chili in the contest with Spain, could not invoke in its favor a special agreement made with another state.

It follows from what has been said that although Spain, through the effect of its sincere desire for peace, has suspended active hostilities, she still finds herself in a state of war, and can do no less than maintain the rights which correspond with such condition according to the laws of nations whilst that state continues to subsist, and a solution satisfactory to both belligerent parties is not reached.

The honorable Secretary of State, in connection with this question, discusses in his note a grave matter which the undersigned can do no less than notice. The honorable Secretary states that because of the interference of the House of Representatives in the question of the monitors *Catawba* and *Onyota*, the President may not deem the occasion opportune for deciding whether the war between Spain and the allied republics has or has not practically come to an end; but considers that it is nearly time to decide upon this, and the more so, that he recognizes the difficulties which that solution presents. He adds that inasmuch as a state of war may be established without a previous declaration, so also may a state of peace be re-established without an express treaty; and, as it has not as yet been settled how much time must elapse from the suspension of hostilities until peace may be presumed to be re-established, it ought to be decided in view of the facts and circumstances of each case; and concludes by declaring that the United States when they consider themselves obliged to determine whether war still exists between Spain and Peru, or has come to an end, such will be reached after having carefully examined the facts, and given due consideration to the representations of the parties interested.

The undersigned cannot assent entirely to the preceding assertions, but will confine himself to observing only that the state of war and state of peace between two nations, first of all, and beyond all, are facts which depend upon the will of the parties interested, it belonging to them to decide by common accord what is the state in which they find themselves, and what the character of their respective relations.

As for the determinations which the United States may believe themselves to be obliged to adopt under given circumstances, the government of the United States, and especially the honorable Secretary of State, on whom this matter is incumbent, has too much enlightenment and uprightness to separate himself in these matters from the recognized principles of the law of nations and international usages, and thus he disposes of the finale of the note of the honorable Secretary of State. Besides, the government of the United States holding on the present occasion the character of mediator, in virtue of the acceptance of its good offices on

the part of Spain, the undersigned cannot for a moment doubt that while it holds that trust it will respond with its accustomed loyalty to the confidence of the Spanish government.

In the last place the Secretary of State informs the undersigned that by reason of the above-mentioned intervention of the House of Representatives about the sale and departure of the monitors, orders were dispatched by the President that clearances should not be given to them, nor that they should be permitted to go to sea, and that in consequence the vessels are detained, and will so continue temporarily. The undersigned, as is just, appreciates the issuance of such orders, and must hope that, the detention of the vessels being found just in itself by the provisions of the law of neutrality, and the prescriptions of international law, such detention will not cease until the state of war ceases. As for what the government of Peru may have offered to that of the United States as security that the monitors shall not be employed in hostilities against Spain, the undersigned will make no reply, not having any cause to doubt the sincerity and good faith of such offers; but that circumstance cannot discharge him from his duty of making just reclamations.

The undersigned recapitulates the contents of the present note by stating that Spain is disposed to re-establish honorably her friendly relations with the allied republics, and therefore desires to return to the state of peace, but that unfortunately she now still finds herself in a state of war; that neither the suspension of hostilities, nor the concerted departure of the Spanish and Chilian vessels from London, change or alter the existing status.

That the determination of said state of war cannot be brought about except by the declaration of the interested belligerent parties.

That the state of war existing, Spain can do no less than maintain the rights which belong to her, and reclaim their observance by neutral governments.

That in addressing the government of the United States, which combines the character of neutral with that of mediator, Spain finds herself assisted by a double right to request the detention of the monitors Catawba and Oneota belonging to Peru.

And, in conclusion, that he hopes that the government of the United States, as friend and neutral, will continue to cause to be respected the right and the laws of neutrality; and that as mediator it may succeed in obtaining a solution honorable to the contending parties, and beneficial to the interests of all nations.

The undersigned reiterates again to the honorable Secretary of State the assurance of his highest consideration.

FACUNDO GOÑI.

HON. WILLIAM H. SEWARD, *Sec., Sec., Sec.*

Mr. Goñi to Mr. Seward.

[Translation.]

LEGATION OF SPAIN IN WASHINGTON,
Washington, November 24, 1868.

At one of the latest conferences in relation to the monitors Catawba and Oneota, purchased for the government of Peru, the honorable Secretary of State of the United States, after again presenting some observations expressed in his note of the 9th of July referring to this matter,

was pleased to make manifest to the undersigned that the Spanish government could, without obstacle of any kind, consent to the departure of those vessels in consideration of two special circumstances, to wit:

1st. That complete peace existing in fact between Spain and Peru, and this peace in fact being very shortly to be converted into peace according to law, as recent communications received at the Department of State demonstrate, and especially the protocol of the conference which, on the first day of September last, was observed in Lima by the representatives of the four allied republics, in view of so near and probable an event, the acquiescence of the Spanish government would be justifiable in respect of the immediate departure of the monitors, which need to avail themselves of the fair weather of the southern hemisphere, and would moreover signify a deference, very remarkable and worthy of esteem.

2d. That this government having assurance that the monitors are not to exercise any hostilities against Spain, not only because of the disposition which animates the government of Peru, but also because the minister of that republic has made so solemn promise thereof, as the honorable Secretary of State has been pleased to assure the undersigned in the said note of the 9th of July, that Spain cannot entertain, in this respect, the least reason for withdrawal or apprehension.

In consequence of the precedent manifestation of the Secretary of State, the undersigned finds himself fully authorized to declare that the present government of Spain, desirous, as the representative of the new political situation created in that country, to give proof of its friendly attitude towards the Hispano-American republics of the Pacific ceases to oppose the departure to sea of the monitors Catawba and Oneota, hoping only that the honorable Secretary of State will please to assure him, in conformity with the offers made by the minister of Peru, that the said vessels will not attempt to commit any act offensive to Spanish interests during their voyage to the Pacific.

The undersigned has the honor to communicate the foregoing to the honorable Secretary of State of the United States, and awaiting reply to the present note, avails of this fresh occasion to reiterate the assurance of his highest consideration.

FACUNDO GOÑI.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Mr. Goñi.

DEPARTMENT OF STATE,
Washington, November 30, 1868.

SIR: Your note of the 24th instant has been received with high satisfaction.

I give you herewith, and with the assent of Senor Garcia y Garcia, minister of Peru, extracts from two notes which have been received from that distinguished gentleman, relating to the proposed departure of the Oneota and Catawba for a Peruvian port. It gives me pleasure to add that this government reposes entire confidence in the fulfillment of the assurances on that subject which appear in those notes.

I avail myself of the occasion, sir, to offer to you assurances of my very high consideration.

WILLIAM H. SEWARD.

Señor Don FACUNDO GOÑI, &c., &c., &c.

Mr. Garcia to Mr. Seward.

[Translation.—Extract.]

CLARENDON HOTEL, *New York, May 8, 1868.*

SIR: * * * *

If, in order to your acceding to the intimation I have hinted at, it were necessary to promise positively that the vessels which go from the United States shall proceed on the route to Peru without attacking or provoking attacks from other nations, without any exception, nor to cause injury nor to offer threats to their possessions, I hold in pledge to the United States the honor of the Peruvian government from this moment.

I avail myself, with satisfaction, of this opportunity to renew to your excellency the assurances of the high respect and esteem with which I subscribe myself your very obedient servant,

JOSE ANTONIO G. Y GARCIA.

His Excellency WILLIAM H. SEWARD, *&c., &c., &c., Washington.*

Mr. Garcia to Mr. Seward.

[Translation.—Extract.]

CLARENDON HOTEL, *New York, July 28, 1868.*

SIR: * * * *

The foregoing would undoubtedly suffice for the end in view when addressing an upright and enlightened government, such as that of your Excellency's; but the government of Peru voluntarily and deliberately desires to offer to yours the most perfect security as to the rectitude of its intentions in sending those vessels to the coasts of the republic, and for that purpose has instructed me to reiterate, expressly in its name, to the United States government, the formal promise that the monitors will leave for the Pacific without attacking, or in any way molesting, any vessels or possessions of Spain, and without committing any act of hostility, directly or indirectly, against the flag of that nation, either at sea or on land, to which they may not be provoked. The honor of the Peruvian government, I again repeat on this occasion, guarantees to your Excellency the strict fulfillment of this solemn promise.

I have the honor of subscribing myself, with the highest consideration, your Excellency's most humble and obedient servant,

JOSE ANTONIO G. Y GARCIA.

His Excellency WILLIAM H. SEWARD,
Secretary of State of the U. S. of America, Washington.

NORTH GERMAN UNION.

PRUSSIA.

Mr. Seward to Mr. Bancroft.

No. 31.]

DEPARTMENT OF STATE,
Washington, December 9, 1867.

SIR: I have the honor to acknowledge the receipt of your dispatch of the 20th of November, No. 21.

It shows that upon due consideration you have decided to recognize officially, not only the Prussian Parliament, but also the Parliament of the North German United States, and the collective German Customs and Commerce Union, upon the ground that by the paramount constitution of the North German United States, the King of Prussia, to whom you were accredited, is at the head of those several organizations or institutions. This decision is entirely approved.

I have taken care to promulgate the description of the national flag of the North German United States. Its presence in our waters will be hailed with peculiar pleasure.

I shall probably have occasion to speak hereafter of the consular law, of which you have given me a copy.

I thank you for your suggestions in regard to the law concerning free migration.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GEORGE BANCROFT, Esq., &c., &c., &c.

Mr. Bancroft to Mr. Seward.

[Extract.]

No. 23.]

LEGATION OF THE UNITED STATES,
Berlin, December 20, 1867.

SIR: * * * * * It was last evening intimated to me informally, but very positively, by a high official, that the long-vexed question of military service in reference to naturalized American citizens, should be settled entirely to my satisfaction. Several weeks ago I was assured in my conversations at the Foreign Office that such was its desire, but it came to my knowledge that strong objections were interposed from other quarters; and I still postpone a formal report till I learn definitively that the difficulty thus interposed has been overcome.

It is certainly the wish of this government to maintain the most friendly

relations with the United States, and public opinion is in accord with this policy.

* * * * *

I remain, sir, yours sincerely,

GEO. BANCROFT.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Bancroft to Mr. Seward.

No. 31.]

LEGATION OF THE UNITED STATES,
Berlin, January 21, 1868.

SIR: To-day I am able to report to you progress in the settlement of the question respecting the right of the adopted American citizen to immunity from military service in Prussia.

Immediately after the proceedings of which I gave an account in my No. 9, letters of inquiry were sent to the principal foreign legations of Prussia. In due time answers were received. That from France was such as I could have wished on the essential points. That from England was imperfect, its writer not having been familiar with the usage of the British government previous to the recent prohibition by law of the impressment of mariners; but as the answer otherwise had nothing adverse to our wishes, I did not think it worth the while to add anything to what I had already communicated on that subject.

The next step was for the foreign department to take the opinions of the minister of war and the minister of internal affairs. They were both adverse. I was told that I might discuss the subject with the ministers and directors of those departments, and was rather invited to do so. An occasion offered of speaking with the present head of the war department. His expressions of regard towards the United States were all that could be wished. He disclaimed any thought of holding an adopted American citizen to service in the Prussian army; but he wished to leave the present law unaltered, that the subject might be under control. He expressed not merely the willingness but the desire that exemption should be granted as each individual case should arise.

I spoke of these answers at the foreign department, expressing a belief that as the objections of the war department related chiefly to form, they might be overcome; and it proved so.

The minister of the interior raised a question of the Prussian constitution and the Prussian law, as being opposed to the request of the United States. I thought it not safe to discuss with a domestic minister of state the interpretation of the laws of his own country; for it would belong to him of right to interpret those laws at least for the guidance of his own government. My answer on this point was, therefore, that whatever might be the laws of Prussia they must be considered as final only for Prussians, and the relations of a foreign power were a proper subject for a convention. This answer on my part met with no objection from any quarter.

Meantime the subject had been constantly brought before the attention of Count Bismarck himself, and he became interested in it. A new law was drafted which would greatly facilitate the concessions which the President desires, and I was asked not to urge the question until that draft should be finished. The matter was thus in the very best way. On the draft of the new law and before its adoption the interior department

withdrew its objections, and, I believe, Count Eulenberg now lends his hearty co-operation to the policy of his colleague. Nothing remained but to get the consent of the King, and last Saturday evening Count Bismarck informed me that he had brought the subject before the King and that the King had given verbally his concurrence. That assent will, according to the usages of this government, be given formally in writing, and then we shall proceed to settle the convention.

I have thought that sufficient progress has been made to justify this report. At the same time I desire you and the President not to regard the matter as settled, until the convention, in all its details, shall be formally agreed upon; and in the meantime I would request that this dispatch be kept from the press, though there is no reason why the substance of it should not be made known to any one whom you may judge entitled to the communication.

I remain, sir, sincerely yours,

GEO. BANCROFT.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Bancroft to Mr. Seward.

[Extract.]

No. 33.]

LEGATION OF THE UNITED STATES,
Berlin, January 23, 1868.

SIR:

Count Bismarck informs me that the British government has inquired of him as to the answer the Prussian government would make to the American government on the subject of naturalization. In reply he informed them of the intention of this government to come to an understanding with that of America, according to its request. The remarks of Count Bismarck implied that the British government is inclined to follow the example of the Prussian, and that the settlement of the question here will be virtually a settlement for Great Britain.

In the prosecution of this business to a settlement there is need of great patience, as the several departments interested in the measure have to be consulted and to propose their difficulties and desired modifications. Some time must therefore pass away before the negotiations can be closed.

A few days ago, a gentleman holding a subordinate office in the Prussian province of Westphalia called on me to inquire if I would approve or consent that a benevolent society for prisoners should continue to make shipments to the United States from the prisons of Westphalia. I put to him some questions and drew out of him that they had been accustomed to make a general jail delivery of culprits and worthless persons and ship them to New York. The system was so thoroughly organized that arrangements were made with railroads for sending them into the interior, and with agents at several stations for receiving and distributing them; that the business had been interfered with by some recently enacted law, of which he could not give me any particulars, and that now the society to which he belonged, renouncing the practice of exporting condemned criminals, asked leave to send at least such persons as were imprisoned, not for crimes, but as vagabonds. Now by the Prussian law a vagabond is a man who has no occupation and no desire

to be occupied. My answers were of course of such a nature as to put him on his defense. He said his motives were those of a philanthropist; that the superior officer in the department in which he was employed knew nothing of his application to me; that what had been done in Westphalia in shipments of prisoners to America was a trifle compared to what had been done in Bavaria; that in Bavaria the business had been carried on at an exorbitant rate. I can think of no surer way of repressing the evil than by instructions from the department to the consuls at the several ports.

The state of the Danish question remains unchanged. Denmark will have nothing less than the island of Alsen and a good military frontier. This Prussia refuses, and Denmark will wait in the hope that a general war may support her demands. Meantime, Prussia remains in possession of all North Schleswig and treats it as an integral part of the kingdom.

The whole influence of this government is exerted to maintain the peace of Europe, and its policy meets with the success which my reports may have led you to expect. Notwithstanding the clamor that has been raised, France has no desire of a war with North Germany, and Austria already begins to adopt the inevitable policy of abandoning the struggle for influence in Germany and of cultivating the friendship of Prussia.

I remain, sir, yours sincerely,

GEORGE BANCROFT.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Bancroft to Mr. Seward.

No. 36.]

LEGATION OF THE UNITED STATES,
Berlin, January 27, 1868.

SIR: I have already informed the department that I do not intend to risk success in settling the question of military service by embarrassing it with anything else. Nor have I thought it proper officially to ask this government to connect any other subject with the special one in view. But there are two questions that somewhat engage public attention here and I should like an instruction from the department how to speak about them to this government.

1st. This country has not yet freed itself completely from the medieval restrictions on trade. Germans may go to America and open a shop; an American coming here could only open a shop on sufferance or by special permission. Is it not best, if occasion offers, to propose perfect reciprocity in this respect? and should the perfect reciprocity extend to the right of holding real estate, at least so far as it is required for the trade or pursuit of the American emigrating to Germany or the German emigrating to America?

2d. In our first treaty with Prussia, Franklin introduced a clause against privateering, and after about 70 years all the great powers of Europe, April 16, 1856, accepted it. Mr. Marcy offered the adhesion of the United States if England would go further and agree not to employ its countless vessels of war virtually as privateers against our commerce.

I think it not improbable that this government, which adopts the principle laid down by Mr. Marcy, might admit a formal recognition of it. I should like to have the President's views on this point: whether as be-

tween North Germany and ourselves the rule may be inviolability of private persons and property on the high seas, subject only to the necessities of war.

My own judgment is in favor of both these suggestions, especially the second one; it would bind us towards no nation but North Germany, and would be for our republic a recognition of the highest principle of civilization of our time. I am certain that the suggestion would be relished here, and, as yet, no decisive objection has occurred to me in the way of its adoption. On all questions of maritime law and neutrality the interests of North Germany and America are identical.

I remain sir, yours sincerely,

GEORGE BANCROFT.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Bancroft.

No. 41.]

DEPARTMENT OF STATE,
Washington, February 13, 1868.

SIR: Your dispatch of the 23d of January, No. 33, has been received. I thank you for your attention manifested in informing me what has passed between the governments of Great Britain and Prussia concerning the question on the naturalization laws existing between the United States and those two governments respectively. I have informally suggested to the British minister here, that a proceeding in a form of mutual or common legislation in the two countries would be more simple and probably easier than formal negotiations, inasmuch as there are so many other questions which urgently require settlement between the United States and Great Britain, besides that of the conflicting naturalization laws. Perhaps it would be well for you to speak in the same sense to the British ambassador at Berlin.

I am sir, your obedient servant,

WILLIAM H. SEWARD.

GEORGE BANCROFT, Esq., &c., &c., &c.

Mr. Bancroft to Mr. Seward.

No. 41.]

LEGATION OF THE UNITED STATES,
Berlin, February 14, 1868.

SIR: Yesterday I had an official meeting with Mr. König, who has received full powers to settle with me the questions relating to the naturalization of Germans in America.

I proposed to him these terms:

- 1st. Germans and Americans may reciprocally emigrate.
- 2d. Naturalization after a five years' residence changes nationality and releases from military duty.
- 3d. Naturalization till after a residence of five years shall not be binding on the original country.
- 4th. Naturalization shall not be an excuse for desertion from military service actually entered upon, but shall free from all liabilities for eventual service not due at the time of emigration.
- 5th. A naturalized citizen returning to his native country with intent

to resume his domicile therein and proving his intention by a continuous residence of ———, shall not be entitled to the interposition respectively of the United States and of North Germany.

Mr. König received the proposals with general assent, and in return offered to send me a draft of a treaty. This offer I the more cheerfully accepted, as up to this time I had had nothing from the department in writing. In the evening I received the draft. Mr. König appears to me to have impaired the clearness of the paper by a desire, as far as he could, to avoid a glaring conflict with ancient laws; but in substance his project seems to me to offer a basis for the settlement of the questions in discussion. The right of expatriation is conceded. The Prussian law would, wish American citizenship not to be obtainable by a Prussian except after a ten years' absence; but Count Bismarck will accept our American rule of five years' continuous residence, as it has been established by law since 1795.

The second section may need explanation. Mr. König remarked that he wished to meet the case of the fugitive from justice, who, if he chanced to get naturalized in America, could not be demanded under the extradition treaty, and who must remain liable for his old offenses if he should return to Germany.

The third section explains itself and has no obscurity. The fourth is right in principle. If a naturalized German turns his back on America and makes Germany once more his permanent domicile, he should submit to the laws of the country of his choice. * * * * *

I remain, sir, sincerely yours,

GEORGE BANCROFT.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Privy Councillor König to Mr. Bancroft.

[Translation.]

I have the honor, in pursuance of our understanding, to transmit respectfully to your excellency the inclosed project for a treaty.

I beg you to consider this project as a suggestion merely, not binding, as I have not yet submitted it to Count Bismarck, and have received as yet no instructions respecting it.

With sentiments of the most distinguished consideration,
You excellency's obedient servant,

KÖNIG.

BERLIN, *February 13, 1868.*

[Translation.]

1. Members of the North German Union who acquire the right of citizenship in the United States of America shall, in their relation to the North German Union, and citizens of the United States of America who acquire membership in the territory of the North German Union shall, in their relation to the United States of America, enjoy the full operation of their naturalization only after an uninterrupted residence of five years in the country in which they are naturalized; so that a German naturalized in America, who, before completion of his five years' residence there, returns to the territory of the North German Union, can be required to discharge all the public duties which the laws of the same impose upon him, without any objection thereto being made by the government of the United States; while in like manner an American naturalized within the territory of the North German Union, who, before completion of his five years' residence there, returns to the United States, can be required to discharge all the public duties which the laws of the same impose upon him, without objection thereto being made by the said Union.

The mere declaration of the citizens and members of the one country, of a wish to become respectively citizens or members of the other, has not the effect of naturalization.

2. Naturalization in the territory of one of the contracting parties does not prevent the person naturalized from being, upon his return to the territory of the other, subject to trial and punishment on account of any punishable acts committed before emigration.

3. The terms of the present treaty do not affect the agreements in Article 3 of the convention of June 16, 1852, between Prussia and other states of the German Union on the one side, and the United States of America on the other, concerning the delivery up in certain cases of criminals fugitive from justice. The said treaty will hereafter be applicable to all States of the North German Union.

4. If a German, naturalized in America returns to the territory of the North German Union and settles there permanently, he shall have no claim upon the protection of the government of the United States. In like manner an American, naturalized in the territory of the North German Union, who returns to the United States and permanently settles there, shall have no claim upon the protection of the North German Union.

The intention to take up a permanent residence shall [soll] be regarded as existing when the person naturalized resides for more than two years within the territory of the other party.

5. The present treaty goes into effect —, and continues in force till —. If neither party gives notice to the other six months before of its intent to terminate the same, it shall continue in force until twelve months after one of the contracting parties shall give notice to the other of such intention.

6. The present treaty shall be ratified by the King of Prussia in the name of the North German Union, with the consent of the council of the Union and the approval of the imperial Diet, and by the President of the United States, by and with the consent of the Senate; and the ratifications shall be exchanged at Berlin within — months of the present date.

Mr. Seward to Mr. Bancroft.

No. 45.]

DEPARTMENT OF STATE,
Washington, February 19, 1868.

SIR: Your dispatch of the 26th of January, No. 36, has been received. You mention two questions which somewhat engage the public attention in Germany, and ask instruction of the department how to speak about them to the government of North Germany.

The first of these questions is, whether it is not expedient to secure perfect reciprocity in regard to the privilege of carrying on trade by the citizens or subjects of the one country in the other country; such reciprocity to extend to the right of holding real estate, at least so far as required for the trade or pursuit of the American emigrant to Germany or the German emigrant to America. The second of these questions is, whether it is practicable and expedient to stipulate with North Germany for the inviolability of private persons and property on the high seas, subject only to the necessities of war. You remark that your judgment is in favor of both these suggestions, especially the second one. I further take notice that you do not propose to connect either of these questions, or any other, with that of naturalization, which subject we have now specially in view in our negotiations with the North German government.

The President has submitted to me a private letter which you have written to him on the subject of the second question.

In regard to the first question, namely, reciprocity for persons concerned in trade in acquiring, holding, and transferring real estate, my personal opinion is in favor of such a reciprocity as is suggested. The subject, however, is one which is beset with grave difficulties. The regulation of the right to acquire, to hold, and alienate real estate in the United States has always been held to fall exclusively within the province of

State legislation, and not within the province of federal legislation. It is by no means settled how far the federal government can enter into conventions with foreign nations affecting individual rights over real estate in the several States. Different States cherish and maintain quite different policies, and there are many conflicts of laws between the States in regard to guarantees, alienations, and remedies. There results from this conflict an unwillingness on the part of many senators to negotiate concerning real estate tenures, and this unwillingness renders it difficult to obtain a concurrence of two-thirds in support of any treaty which involves stipulations concerning tenure, inheritance, or disposition of real estate. A considerable service in the Senate has made me familiarly acquainted with this difficulty. I will take an early occasion to inquire concerning the amount of favor such a proposition as the one under immediate consideration might be expected to obtain in the Senate.

I shall afterwards be able to give you the President's instruction on the subject.

In relation to the second question, very conflicting opinions have always been, and still are, entertained in the United States. Thoughtful and hopeful minds generally favor the proposition to exempt private persons and property on the high seas from the inflictions of war. So far as I have learned, this opinion has, however, been by no means universally accepted. There is a large class of persons who habitually regard foreign war as always a probable contingency, besides many who are continually expecting a conflict with some particular State or States. These persons regard privateering not only as the strongest arm of naval defense, but as one which the United States could use with greater advantage than any foreign enemy. These persons are so jealous on the subject of privateering that they are always unwilling to consent to waive the rights in any one treaty for fear that the treaty may become a precedent for the entire abandonment of that form of public war. Certainly this latter class very strongly prevailed throughout the entire period of our civil war. I have not recently made any careful inquiry to ascertain how far that popular sentiment has been modified by the return of peace.

I will, however, on this question, as on the other, make diligent observations, and I will then communicate such decision as the President shall see fit to adopt.

It is quite clear that it would be injudicious to connect either of these two questions with the negotiations now happily on foot concerning naturalization.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GEORGE BANCROFT, Esq., &c., &c., &c.

Mr. Bancroft to Mr. Seward.

No. 44.]

LEGATION OF THE UNITED STATES,
Berlin, February 22, 1868.

SIR: I hold it of good augury that the treaty between the United States and North Germany respecting the effect of naturalization has been signed on Washington's birthday.

Immediately upon entering upon my office I gave attention to this subject, respecting which your instructions were so full as to leave nothing to desire.

I was met in the most friendly spirit. If we had followed the standard books on international law we could have come to no result, for they fail in the great point of the right of the naturalized citizen to maintain his new citizenship in his old country. The opinions of the lawyers of the United States are, as you so well know, in conflict with each other. The laws in Prussia and in the United States, interpreted according to the letter, were also in conflict. To succeed, it was necessary to consider the principles underlying the laws of the two countries; and here there was found to be a remarkable harmony. The disposition of the foreign department to comply with our wishes was made known to me by Messrs. Van Philipsborn and König, in my interview with them on the 18th day of September last.

Nothing then remained but to remove difficulties growing out of the previous administrative system of Prussia; and there could have been no progress, had not the chiefs in the departments of war and the interior discussed the questions which arose with a candid desire to remove every obstacle. Count Bismarck from the first took a large and liberal view of the case. But with all this, the difficulties were numerous and grave. I made it my rule throughout to avoid controversy and not to precipitate a decision.

On the question of the right of expatriation there arose no discussion. It is recognized by the laws of both countries.

On the question of residence as a condition of naturalization which the mother country should respect, there existed no difference.

The time of residence was a point of more delicacy. The Prussian law required an absence of 10 years; ours a residence of five. With liberality and frankness Count Bismarck declared himself willing to accept the American rule, as it had received the sanction of the administration of Washington, and had become fixed by the usage of more than three-score years and ten.

Should the United States see fit for its own purposes, as lately in the act of July 17, 1862, to concede naturalization on a shorter residence, their right to do so is not impaired; but the meaning of this treaty is, that they will not ask North Germany to recognize such naturalization, till the adopted citizen shall have completed the term of residence now required by their normal law.

A question has arisen at what time the emigrant shall be released from liability to military service, whether from the moment of his emigration, or of his naturalization. The object of this government is a real, permanent, friendly adjustment of all questions that have been raised, and it has therefore in the 2d article agreed that the emigrant, on his return, shall not be called to account for the non-performance of any military duty to which the liability may arise subsequent to his emigration.

The 3d article establishes the principle that a North German who, in conformity to the terms of the 1st article, has been received as an American citizen, is no longer liable to extradition.

The 4th article is intended to prevent insincerity in the transfer of allegiance. A German naturalized in America and returning to Germany for two years, does not necessarily renounce his American citizenship; only he may be called upon to declare his purpose explicitly.

The 5th and 6th articles require no explanation.

I trust the President and Senate will unanimously approve what I have done, and that the ratification of the treaty herewith enclosed will be immediately returned for the necessary exchange. The result is to be ascribed to the hereditary disposition of this government, unal-

tered from the days of the great Frederic and Franklin, to cherish the best relations with us; and to the mutual desire that the first important transaction between the United States of America and the United States of North Germany may bear indelible marks of a disposition to recognize and perpetuate the natural friendship of the two countries.

I remain, sir, yours sincerely,

GEO. BANCROFT.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Bancroft.

No. 46.]

DEPARTMENT OF STATE,
Washington, February 25, 1868.

SIR: I recur on this occasion to your dispatch No. 36, and to my answer thereto, No. 45, of which latter paper this dispatch may be considered a supplement. Inquiry has been made and full consideration has been bestowed upon the two subjects which you have presented, and upon which the opinion of the President was reserved.

I have now to say, first, that neither of those questions is in any case to be connected with the negotiation, or with such treaty as you may be able to make concerning the naturalization question.

Secondly, that you are at liberty to treat with the government of North Germany upon the first of those reserved questions which concern the mutual freedom of trade upon the broad foundation which, in your No. 36, you propose to adopt.

In regard to the second question which concerns the inviolability of private persons and property in war, we must still defer any proceeding to commit this government, for the reason that in the present condition of our relations with one of the European powers, any proposition to a foreign state for the inviolability of private persons and property on the high seas, could not be expected to find favor with the Senate of the United States or with the country. The principle which Franklin proposed is widely cherished, and there exists an earnest desire among us to give it vitality, thus at once vindicating Franklin's philanthropic foresight, and securing to ourselves and to our country a new distinction for humanity and benevolence.

It is not to be understood that the President thinks that the time has not arrived, but only that the immediate condition is unfavorable.

Your private letter of the 7th of February is received and has been submitted to the President.

The cable has a statement that your treaty upon the naturalization question is complete. I hope that it may be followed by prompt action on the part of Great Britain. In that case I will again bring your proposition concerning the inviolability of private property in war to the consideration of the President and his constitutional advisers.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GEORGE BANCROFT, Esq., &c., &c., &c.

Mr. Bancroft to Mr. Seward.

No. 50.]

LEGATION OF THE UNITED STATES,
Berlin, March 23, 1868.

SIR: The treaty between the United States of America and North Germany, regulating naturalization, having been laid before the council of the Confederation, was approved on Saturday last, the 21st of this month, without dissent.

In the speech with which the King of Prussia this day opened the Diet of the Confederation, he spoke of the treaty as designed to check in the bud every germ of discord between two nations closely bound together by commercial interests and by family ties.

I cannot but hope the action of the Senate on the treaty will have been equally prompt, and marked by the same friendly spirit.

I repeat to you the request that you will send me by telegraph the decision of the Senate when made.

I remain, sir, sincerely yours,

GEO. BANCROFT.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Translation of extract respecting treaty with the United States.

A treaty which has been concluded with the United States of America is designed to regulate the nationality of immigrants to either country, and thus to remove from the relations between two nations, closely related by commercial interests and family ties, the germ of discord.

Mr. Bancroft to Mr. Seward.

No. 51.]

LEGATION OF THE UNITED STATES,
Berlin, April 3, 1868.

SIR: That no doubt might exist of the correctness of my interpretation of our treaty with North Germany, as communicated to you in my dispatch of February 22, I left a copy of that dispatch at the Foreign Office, and no objection whatever was made to its contents.

The report made upon the treaty by the committee of the North German Council was not well digested, and was not wholly free from ambiguity.

Yesterday the treaty came up for acceptance in the imperial Diet; Mr. König in the first instance, and then Count Bismarck, took the occasion publicly, and in the clearest and most emphatic manner, to confirm my interpretation of it in every particular.

Ex-Consul Meier, the member from Bremen, to whom the president of the Diet had referred the treaty, one of the first merchants in Europe, and well known in America from his long residence among us, reported the treaty to the Diet with the "full conviction" of its merits. He declared his peculiar satisfaction that the natural right of emigration and change of nationality was for the first time made a part of recognized international law by North Germany and the United States.

Dr. Schleiden, so well known to you from his long residence as minister at Washington, not omitting to make some cavils at what he called "small defects," spoke substantially and heartily for the treaty, and for

the most liberal interpretation of its terms, describing it as a great progress in international intercourse.

A discussion arose which brought out a full interpretation of its several articles. Mr. König, the plenipotentiary who signed the treaty on the part of North Germany, in explanation of the first article said that a five years' continuous residence in America, and no more, was all that the treaty required in regard to residence.

The chancellor of the Confederation, Count Bismarck, spoke on the same point, declaring that the words of the article were too plain to be misunderstood; that the period of five years was to date from the moment when the emigrant should cross the American line; and that the continuity of residence which was required was to be interpreted, "nicht in körperlichem sondern in juristischem sinne," not in a corporal but in a legal sense.

The interpretation of the second article of the treaty was equally explicit. Dr. Schleiden, of the committee of the Diet, reported that inasmuch as the liability of the naturalized citizen on his return to his original country extended only to breaches of law committed *before* emigration, it followed that any breach of the law which might be committed by emigration itself was excluded from the class of punishable actions. This view was confirmed by Mr. König, who pointed out that, as the emigrant remained liable only for acts committed *before* emigration, emigration itself, and the consequent withdrawal from military duty, could not be included among such acts. "So then," said Dr. Löwe, one of the ablest members of the Diet, and well known as a long and esteemed resident of New York, "the hateful military business is now put aside, and the emigrant on his return is not liable to arrest for the violation of the military duty from which he had withdrawn by emigration." While he fully accepted the explanation of Mr. König, Dr. Löwe still intimated a wish that it might be confirmed by Count Bismarck himself. The chancellor immediately arose and replied as follows:

The gentleman who has last spoken fears that a person who has lived five years in America and been naturalized there may yet, on his return here, be held to military duty. This apprehension I can designate as perfectly and absolutely unfounded. The literal observation of the treaty includes in itself that those whom we are bound to acknowledge as American citizens cannot be held to military duty in North Germany. That is the main purpose of the treaty. Whosoever emigrates *bona fide* with the purpose of residing permanently in America, shall meet with no obstacle on our part to his becoming an American citizen, and his *bona fides* will be assumed when he shall have passed five years in that country, and, renouncing his North German nationality, shall have become an American citizen. I believe, therefore, that no room has been left open for the anxiety that has been expressed, and I lay great stress upon here placing the subject in its true light.

Dr. Löwe questioned the chancellor on this point once more, saying: "To my joy I think I may understand the chancellor to say that no prosecution for unauthorized emigration can take place, even if the emigrant shall have ceased to be an American citizen." Count Bismarck replied, "I herewith confirm the declaration which the gentleman desires, and" he added jocosely in form, seriously in substance, "I might almost assert that we will treat the five years' absence in America, when connected with naturalization, as a fulfillment of the military duty in the North German Confederation."

The fourth article of the treaty came also under consideration. Mr. Lasker, one of the ablest men of the Diet, inquired whether the German, naturalized in America and returning to Germany, would, after a two years' residence in Germany, be held liable to military duty. The text of the treaty, he said, gave no color to such an interpretation, but the report of the council of the Confederation was ambiguous, and therefore

he called upon the chancellor for a nearer explanation. In the beginning of the debate ex-Consul Meier had most clearly explained that the American law required from the person who becomes naturalized a total renunciation of his allegiance to any other power. Holding fast to this fact, Count Bismarck replied that the German-American citizen on resuming his relations as a citizen of North Germany would, under the treaty, stand in the light of a foreigner emigrating into North Germany; that he could not be held to the discharge of any *old* military duty, but only to such *new* military duty as would attach to every foreigner emigrating into North Germany and becoming naturalized there.

The president now put the question on the acceptance of the treaty, and the whole Diet, with the exception of two or three Poles, who as it seemed to me only declined voting, rose to their feet with alacrity. All the proceedings were marked by the disposition to cherish the most friendly relations with the United States.

I send you herewith the debate as it appeared concisely in the North German General Gazette of last evening, and in the National Gazette of this morning.

On the fourth article I will add a few words. The American law exacts from the citizen who becomes naturalized a perpetual renunciation, by oath, of his former nationality. Hitherto the Prussian government has made no formal recognition of our naturalization laws; but now that it becomes bound by treaty to respect them, it could not have restored the returning Americo-German to his German citizenship had not the consent of the United States to his release from his obligation to them been given, as it is given, by the fourth article of this treaty.

I remain, sir, yours sincerely,

GEO. BANCROFT.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Bancroft to Mr. Seward.

[Extract.]

No. 52.]

LEGATION OF THE UNITED STATES,
Berlin, April 21, 1868.

SIR: * * * * * * * *

A few days ago Mr. Aegidi and several other members of the Diet of North Germany brought forward a proposition to instruct the chancellor of the North German Confederation (Count Bismarck) to introduce into treaties with friendly powers the principle of the freedom of private property at sea in time of war, so that the principle may become recognized as a part of international law. On Saturday last the final deliberation on the subject took place, and the proposition which had the approval of the administration was unanimously or all but unanimously adopted.

The opinion here is that the abandonment of privateering by public ships as well as by private ones will establish effectually the freedom of the seas, and put an end to the arrogant supremacy of any one great maritime power, and that nothing else will do it so effectually. The interests as well as the moral sentiments of the United States are here supposed to be, on this point, perfectly in accord with those of North

Germany. Indeed, the measure was adopted in the hope that the United States, in conformity with the annual message of the President to Congress of December 4, 1854, would readily meet North Germany on the broad ground of "proposing, as a rule of international law, to exempt private property upon the ocean from seizure by public armed cruisers as well as by privateers." I cannot but hope that the President will permit this principle to stand as a part of the commercial treaty with North Germany.

The consular department of North Germany has at once assumed a character of great importance. A member of this government on the part of the King is now treating on the subject with the Italian minister here. I have been invited to enter upon a similar negotiation. As soon as the treaty with Italy is completed, I will send you a copy of it and ask for such instructions as may be necessary for my guidance.

* * * * *

I remain, sir, yours sincerely,

GEO. BANCROFT.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Bliss to Mr. Seward.

No. 56.]

LEGATION OF THE UNITED STATES,
Berlin, May 23, 1868.

SIR: The Customs Parliament was closed to-day by the King in person. The ceremony, at which I was present, took place in the usual manner at the palace.

The result of the session has been on the whole favorable to German unity, although no formal action in that direction was taken by it as a body.

A debate, which quite incidentally arose on the 18th, gave occasion for several warm expressions of national sentiment, and called forth some effective words from Count Bismarck. The enthusiasm reached its climax when Dr. Völk, deputy from Bavaria, closed an eloquent national appeal with these words:

Spring has come in Germany, and, though some may yet for awhile throw snow-balls at each other, that will not last much longer. The advancing spring will insure that material is soon wanting to the snow-ballers.

The patriotic sentiment aroused at this sitting was further stimulated and strengthened by two entertainments, given to the parliament in honor especially of the Southern German deputies—one by the bankers at the exchange, where Count Bismarck and Prince Hohenlohe made speeches, and one by the merchants and other citizens of Berlin at the Tivoli garden, where Berthold Auerbach was a principal speaker. And that the southern members may not fail to return to their homes with the pleasantest impressions, the entire parliament and council are, after a reception this evening by the Crown Prince in the illuminated grounds of Sans Souci, to proceed as guests of the government by special train to Kiel, on the Baltic, there to be entertained by the admiralty of the North German navy.

Your dispatches, to No. 59 inclusive, have been duly received.

Respectfully, your obedient servant,

ALEXANDER BLISS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Bancroft.

No. 75.]

DEPARTMENT OF STATE,
Washington, August 18, 1868.

SIR: On the 14th January last, the consul general of Würtemberg, at New York, presented, in behalf of his government, its complaint of the construction put by the Supreme Court of the United States, in *Frederickson vs. The State of Louisiana*, (23 Howard's R., 446,) on the 3d article of the treaty of April 10th, 1844, (8 Stat., 588.)

In the case referred to, a native of Würtemberg having been duly naturalized, and having died in Louisiana, bequeathing legacies to kindred residing in Würtemberg, and subjects of its King, the legacies were subjected to a tax of *ten per cent.* This was under a statute of Louisiana, which imposed that tax upon successions devolving on any person not domiciled in that State and not being a citizen of any other State or Territory of the Union. The Supreme Court held that the decedent, being *a citizen of the United States*, his estate was not within the provisions of the treaty, which was intended only to convey the case of a subject of Würtemberg bequeathing property in this country, or a citizen of the United States dying and leaving property in Würtemberg.

The claim of the government of Würtemberg was, "that every subject of his Majesty is entitled to be placed on the same footing with an inhabitant of the United States if he becomes the heir, legatee, or donee of a citizen of *either* in respect to personal property within the United States." It was stated that this construction of the treaty is applied by the authorities of Würtemberg in exoneration of citizens of the United States who succeed to the property in that kingdom, either of its subjects or their fellow-citizens, of the tax to which they would otherwise be subject.

This government having no power, as you are aware, to act upon any other construction of the existing treaty than that adopted by the Supreme Court, signified to the consul general of Würtemberg its readiness to negotiate a new convention in conformity to the interpretation which his government puts upon that now in force, and with a proposition to that effect which he submitted.

On the 24th of July, 1868, the consul general, by the direction of his government, withdrew the proposition for a new convention, and claimed in its behalf "the adhesion of the government of the United States to the interpretation of the existing treaty, by which the royal government have held themselves bound since the compact was made," and requested "that the government of the United States will enforce the performance of the obligations assumed on behalf of the entire Union, in every part of that territory where their sovereignty is acknowledged, and will prevent any misconstruction of its provisions by the legislatures or the States of any member of the confederacy."

You are instructed to communicate to the minister of foreign affairs of Würtemberg the views of this government upon the subject. You will state that this government cannot admit, nor does it perceive, that the Supreme Court has misconstrued the existing treaty. It recognizes the truth that the more liberal method of dealing with the interests of citizens of the United States in property situated in Würtemberg, which the enlightened government of that kingdom has adopted, is accordant with the spirit of modern civilization and deserves to be reciprocated. You will explain that this just reciprocity can only be

effected, so far as this government is concerned, by entering into a convention by which its terms shall be unmistakably defined, thus being the only mode in which the legislative power of the several States in regard to the transmission of property in their respective jurisdictions can be affected by the action of the federal authority. We renew the expression of our willingness to treat for that purpose.

The consul general desires to be informed whether any other States of the Union have adopted statutes similar to that of Louisiana. No complaint has reached this government of the legislation of any other State in the particular under consideration. Proper inquiry will be instituted if such a complaint shall be presented. As there is no obligation upon the State authorities to report their actions upon matters within the sphere of their local and domestic legislation, it is not regarded as proper to institute an inquiry until some case shall arise where such legislation may be supposed to conflict with the supreme obligations of the federal Constitution or the treaties made in pursuance thereof.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GEORGE BANCROFT, Esq., &c., &c., &c.

Mr. Bancroft to Mr. Seward.

[Extract.]

No. 71.]

LEGATION OF THE UNITED STATES,
Berlin, August 25, 1868.

SIR: * * * * *

To-day I inclose to you a circular of the minister of justice of the 5th of July last, with a translation. You will judge of the beneficent effect of the treaty from the fact that the cases of those who obtain by it remission of penal sentences against them are too numerous to be considered one by one. I add, also, the circular of the minister of the interior of July 6, which proves to you how fairly this government proceeds in executing the treaty. I commend it to the attention of the President, as evidence of the strong desire of the North German Confederation to cultivate with the United States the most friendly relations. * *

I remain, sir, yours sincerely,

GEO. BANCROFT.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Circulars of the minister of justice and minister of the interior of the North German Union, concerning the treaty between the United States and that government respecting the nationality of emigrants, concluded on the 22d of February, 1868.

CIRCULAR OF THE MINISTER OF JUSTICE.

In concluding the treaty of the 22d February of this year (Bulletin of Laws of the Confederation, p. 228) agreed upon between the North German Union and the United States of America respecting the nationality of emigrants, it was the prevailing intention—

That, in conformity to the second article of that treaty, the punishment incurred by punishable emigration is not to be brought to execution on occasion of a return of the emigrant to his original country, if the returning emigrant has obtained naturalization in the other country in conformity to the first article of said treaty.

In consideration whereof, in every case where legally valid condemnations of this kind exist against such persons, an official report is to be made to the minister of justice respecting the remission of the declared punishments and costs by way of grace, and, in order to shorten and simplify the matter, these recommendations are to be consolidated in a table if the number of cases is large enough to justify a tabular form of report.

BERLIN, July 5, 1868.

The minister of justice,

DR. LEONHARDT.

To all royal courts of appeal, to all royal supreme courts, and to the state attorneys general in Kiel, Cassel, Wiesbaden, and Frankfurt a. m.

CIRCULAR OF THE MINISTER OF THE INTERIOR.

In concluding the treaty of the 22d February of this year (Bulletin of Laws of the Confederation, p. 228) between the North German Union and the United States of America, it was the prevailing intention—

That, in conformity to article 2d of this treaty, the punishable action committed by the unauthorized emigration of a citizen of the Union to the United States of America should not be made ground for a penal prosecution upon the return of such person to his former country after absence of not less than five years, and that the punishment for such action, even though already legally declared, should not be consummated if the person has acquired in America the right of citizenship in conformity to article 1 of said treaty.

The royal government is therefore instructed, in the cases indicated, to abstain from recommending trial and punishment, and in general from every kind of prosecution, whenever the person in question is able to produce the proof that he has become a naturalized citizen of the United States of America in conformity with the first clause of article 1.

The proper judicial authorities will be furnished by the minister of justice with an instruction, in all cases where legal sentences of this kind exist, to report officially the remission, by way of grace, of the declared punishments and costs.

BERLIN, July 6, 1868.

For the minister of the interior,

SULZER.

To all the governments of the monarchy.

I send a copy to your excellency, with the very humble request that you will at once be pleased to provide the bailiwicks with the proper notice.

For the minister of the interior,

SULZER.

To the chief president at Hanover, and to the presidency of the police here, a copy in like manner for their guidance.

Mr. Seward to Mr. Bancroft.

No. 83.]

DEPARTMENT OF STATE,

Washington, September 14, 1868.

SIR: I have just received your dispatch of the 25th of August, which is accompanied by the circular letters of the minister of justice and minister of the interior. These papers will be immediately promulgated, and will have a very benign effect.

Please assure the government of the North German Union that the President highly appreciates these new manifestations of good will and friendship on the part of the North German Union.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GEORGE BANCROFT, Esq., &c., &c., &c.

Mr. Bancroft to Mr. Seward.

No. 84.]

LEGATION OF THE UNITED STATES,
Berlin, November 20, 1868.

SIR: The change in title of the Austrian Emperor and empire, of which I gave you notice in my No. 72, in advance of all information from other quarters, has now been officially announced. The new titles recognize the co-ordinate character of Austria and Hungary. Henceforward the Emperor's title is, Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary. The &c. in the title marks the division between Cis-Leithania and Trans-Leithania. The shorter title is Emperor of Austria and Apostolic King of Hungary, or his Majesty the Emperor and King, or his Imperial and Royal Apostolic Majesty. The collective kingdoms and lands are named, alternately, the Austro-Hungarian monarchy and the Austro-Hungarian empire. These names will appear in our naturalization treaty, if we succeed in making one, and I have instituted such preliminary inquiries as will soon determine whether such a treaty can be made.

I remain, sir, yours sincerely,

GEO. BANCROFT.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Bancroft to Mr. Seward.

No. 85.]

LEGATION OF THE UNITED STATES,
Berlin, November 20, 1868.

SIR: From the time of my arrival here I have uniformly, and on the best authority, assured you of the sincerity of the King of Prussia and of his ministers in their desire of peace; and I have also always given it as my opinion that peace was the choice of the French people and of their Emperor. There is now a lull in the rumors of war, and they will not very soon be revived; but as the pacific intentions on the part of France are qualified by the intimation of a policy hostile to any further improvement of the unity of the German people, it can only be said that the danger of war is indefinitely adjourned. The interests of France and of Germany, the interests of the United States, and the principles that are dear to the United States, are all so involved in the subject, that I deem it proper to offer some remarks for your consideration.

1. A war undertaken for the avowed purpose of preventing the peaceable improvement of the German constitution by the joint act of the German governments and people, would be a war of revolution; for the principle that it is the right of a people to reform their government so as to advance their safety and happiness is now the received principle of international law, first proclaimed by the United States, next by France, then by Great Britain, practically in its several unions of its kingdoms and its reforms in like manner by the Swiss Confederation, and now formally by Italy, Prussia, and Spain, and practically by the Austro-Hungarian monarchy. A war directed against that principle could not but convulse the world. The claim of right to forbid a government and people to improve their political condition is in itself an act of hostility to the human race, and therefore must necessarily fail; but a

war founded upon it would be attended by incalculable disasters, so that to deprecate such a war is a proof of friendship for France.

2. Should such a war assume the form of a war for aggrandizement, the war must become a world-wide one; for all the great powers of Europe are pledged to the neutrality of Belgium and of Luxembourg, and gave their assent to the present frontier of Germany.

3. Such a war must be accompanied by an abdication of the influence of France in the east, and especially a renunciation of the results of the Crimean war; for a life-and-death conflict between France and Germany would leave to one great power an undisputed control in the southeast of Europe; a result which no friend to France would desire.

4. If in the three points to which I have here directed your attention the United States have no immediate interest, it is not so with regard to maritime rights and the liberty of the seas, which would be exposed to violation in a war that must take the character of a naval conflict on all the oceans. Here the United States, now one of the great powers, inferior in numbers to no European country on the continent of Europe east of the Vistula, and inferior to none in wealth and resources, would have a right to be heard, and in all probability the duty and necessity to make themselves heard. It is then an act of friendship to France to wish to avoid any possibility of conflict, in their common interest as defenders of maritime liberty.

5. Still more would the mercantile interests of the United States be exposed to peril and interruption by a war to prevent the improvement of the political institutions of Germany. The intercourse between the United States and Germany is immeasurably more important to the United States than its intercourse with any other continental power. Were German emigration from the ports of Bremen and Hamburg alone to be interrupted, it would occasion a loss of that which nourishes the life-blood of the nation. The loss, when weighed merely as a diminution of annual wealth, would be one of the greatest blows which could be inflicted on our prosperity.

On these grounds, among others, I congratulate you upon the continuance of European peace, and cannot but hope that under the influence of our example, and of the principle which, as a nation, we have always professed, the right of a people, especially in harmony with its government, to reform its institutions, may never be questioned, least of all be resisted by war or the menace of war.

I remain, sir, yours sincerely,

GEO. BANCROFT.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Seward to Mr. Bancroft.

No. 105.]

DEPARTMENT OF STATE,

Washington, December 7, 1868.

SIR: Your dispatch of the 20th November, No. 85, has been received. I am greatly obliged to you for having placed before me in so clear a light the tendencies of existing European interests in favor of the continuance of peace between North Germany and France. Certainly all friends of progress and civilization must share with you in deprecating a conflict the mere apprehension of which has produced universal anxiety in Europe.

The procrastination of reconstruction in Spain seems now to forbode a civil war in the peninsula. It is not believed that other nations of western Europe can feel sufficiently at their ease, in view of such a conflict upon ideas, to engage in contests for mere political advantage or supremacy.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GEORGE BANCROFT, Esq., &c., &c., &c.

AUSTRIA.

Mr. Hay to Mr. Seward.

No. 14.]

LEGATION OF THE UNITED STATES,
Vienna, December 24, 1867.

SIR: On Sunday last the houses of Parliament held their last session under the old constitution of 1861. At the opening of the session of the lower house [the Abgeordneten-Haus] in the morning, Baron von Beust, chancellor of the empire, announced that the fundamental laws amendatory of the constitution [Staatsgrundgesetze] had received the imperial sanction and entered on that day into full force.

The president of the legislative body, Dr. Geskra, one of the ablest leaders of the new constitutional movement, who, under the former system, was appointed by the Crown, immediately left the chair, and in an eloquent and significant address declared the office vacant by operation of the new law. The house at once elected him president by a unanimous vote. He resumed his seat, accepting the honor shown him as a demonstration of adhesion to the principles of liberty and progress, to which he promised to devote himself in the future as in the past.

The house then proceeded to the election of members of the delegation, which (according to the law numbered 146) is to meet a similar delegation from the Hungarian Parliament, to discuss and legislate upon matters common to both halves of the empire. The house, after passing without debate the government proposition in regard to the next quarter's budget, was then prorogued by the chancellor, in accordance with the imperial command, until the 29th of January next.

In the evening Baron Beust also announced to the House of Lords the prorogation of the legislature and the promulgation of the fundamental laws. I send by this mail an official copy of these most important statutes. They embrace, 1. The law relating to the representation of the empire; 2. The law relating to the common rights of the citizens; 3. The law relating to the institution of an imperial court; 4. The law relating to the judicial power; 5. The law defining the limits and operation of the executive authority; 6. The delegation law.

With the publication of these laws Austria enters upon a new era of constitutional life. There can be no question of the sincerity and devotion of those leading minds of the empire who by the labor of years have at last brought about this result, nor do I have any doubt of the intentions of the present government to carry out in good faith the policy thus indicated by the representatives of the national will. The new system is launched under good auspices. Austria was never so completely the mistress of her own destinies. The unfortunate wars of last year, if she is wise enough to profit by them, will be her salvation. She has less than any nation in Europe need of an army or of foreign alliances. Her loss of Venetia has gained her immunity from a standing menace in the south, and her isolation from the political questions which agitate the rest of the German states gives her leisure for the full development of her enormous but neglected resources. The favorable results of this state of things already begin to appear. Commerce and agricul.

ture have taken a new impulse. Manufacturers are busy and prosperous. The gold premium is continually diminishing in spite of the vicious state of the national finances.

There is evidently still a too great complexity in their political system. But it seemed impossible to avoid the dualism insisted upon by Hungary, which rendered necessary the consequent separation of the financial systems of the two halves of the empire, by which, as at last arranged, Hungary is to pay 30 per cent. of the common expenses and 29,000,000 florins a year in full of her liabilities for the common debt. It is somewhat remarkable that both Austrian and Hungarian statesmen denounced this arrangement, while they voted for it as a necessity of the situation, the former admitting that the passive resistance of Hungary could only be vanquished by this concession, and the latter, in their speeches recently made in the Diet at Pesth, insisting that Hungary was a kingdom completely shut in by two great empires, Prussia and Austria, and could not exist without alliances; and that the alliance indicated both by tradition and the nature of things was the Austrian. Even the moderate Hungarians made no concealment of their conviction that it was entirely within the competence of the Diet to make or reject the so-called alliance. Hungary has now an independent Diet and a responsible ministry, to which it is thought that Croatia will probably be joined. The rest of the Austrian dominions are united under the imperial Crown, with a Reichsrath or imperial Parliament and a responsible government, whose formation has been as yet delayed by unforeseen difficulties in the *personnel*. There is still a third Parliament, or delegation, the members of which are elected by the Hungarian and Austrian Parliaments respectively, with a separate ministry, who are to regulate matters concerning the two halves of the empire jointly.

These governments are the fruit of many compromises. There are many statesmen who hope to see all these Parliaments and governments fused into one in the course of a few years, and on the other hand there is a strong disintegrating spirit of race at work, which if allowed free course would break the empire up into as many governments as there are languages and nationalities represented in it. This forms a most difficult question for Austrian statesmanship, as it is hard to say whether this clannish spirit is most nourished by concession or opposition. Hungary, for instance, has obtained nearly all it ever demanded, yet the government awaits the issue of the next elections in that kingdom with very serious concern.

I am, sir, very respectfully, your obedient servant,

JOHN HAY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Hay to Mr. Seward.

No. 15.]

LEGATION OF THE UNITED STATES,
Vienna, December 31, 1867.

SIR: The three laws which together comprise the financial arrangement with Hungary have received the imperial sanction and entered into effect. The law for the emancipation of the Jews in Hungary has also been approved and promulgated.

Last week the Emperor issued imperial rescripts, by which, while relieving Baron von Beust and Count Andrássy from the positions they

have provisionally held during the transition period of last year, he takes occasion to thank them publicly for their arduous and successful labors, which have resulted in the present relations between Hungary and Austria. He also constitutes at the same time an imperial ministry for matters jointly concerning both halves of the realm, by re-appointing Baron von Beust (who still remains chancellor of the empire and minister of the imperial household) minister of foreign affairs; Baron von Becke minister of finance, and Field Marshal John minister of war. Count Andrassy remains minister resident of the Hungarian government.

To-day it is understood that the parliamentary ministry for the government of the lands and provinces represented in the Reichsrath, or Cis-Leithan ministry, as it is more concisely called, has at length been formed by Prince Carlos Auersperg, and the list having been submitted to the Emperor has received his sanction. It embraces Prince Auersperg, president; Count Taaffe, vice-president, national defense and public safety; Dr. Giskra, interior; Dr. Herbst, justice; Dr. Brestl, finance; Dr. Hasner, worship and instruction; Mr. von Pleyer, commerce; Count Potocki, agriculture; and Dr. Berger, minister without portfolio.

This new ministry is composed of some of the most prominent liberal statesmen and orators in the Austrian Parliament, with a sufficient infusion of the conservative and aristocratic element to defend it against the reproach of being an exclusively democratic government. The frequent recurrence of the title of doctor indicates the preponderance of academic and legal talent. You will see that the important branch of the police has been taken from the department of the interior and added to the bureau of Count Taaffe, doubtless as a conservative concession. As a favor to the Polish province of Galicia, the department of agriculture has been created for the acceptance of Count Potocki, one of their leading representatives.

The formation of the ministry has not been unattended with serious difficulty, and it is understood to-day that several of the members accepted the arduous positions assigned them with the express understanding that thorough and searching reforms should be introduced in several branches of the public service. The expenses of the military organization and the bureau administration must be greatly curtailed, the sphere of educational activity widely extended, and the chains forged by unsystematic legislation must be struck from the struggling commerce of the country, before the nation can hope to realize much practical benefit from their amended constitution.

These laudable ends will now become the object of the labors of the new government. That they will be pursued with skill and energy and honest devotion, the names I have given you are a sufficient pledge. But he would be a rash man who would pretend to predict with any certainty the result of the momentous experiment. For the successful accomplishment of the purposes of that enlightened and patriotic body of constitutional liberals who have thus far proceeded on the work of national reconstruction, it is necessary that the nation shall be allowed to devote itself exclusively for awhile to its internal concerns. War and diplomacy are luxuries in which Austria cannot for the present afford to indulge. Yet these are the only two careers in which for ages the ambition of Austrian nobles has found a reward and their energies a field of exercise. It will be hard for them to see their occupation gone, or to direct their efforts at once into another channel. There is a vague and ill-defined fear of entangling alliances. The officious warning which the French consul general at Belgrade is said to have given to the Servian government, that it should take no measures to compromise the interests

of Austria, has not contributed to allay this apprehension. The air of protecting friendship towards this empire which pervaded the recent speech of Mr. Rouher in the French chamber, is regarded by Austrians with whom I have conversed as equally sinister and offensive.

The question of the concordat is still hanging undecided. The House of Lords has not yet acted upon the so-called confessional laws, (relating to civil marriage and public instruction,) and Count Crivelli has gone to Rome, it is said, upon the apparently hopeless errand of obtaining the Papal sanction to an act which can only be regarded at the Vatican as legislative sacrilege. As long as this weighty matter remains in suspense it will be a fruitful source of disquiet and distrust.

Another inherent difficulty, to which I have before alluded, is the inveterate spirit of race, which as yet shows few symptoms of giving way to a harmonious impulse of national union. When, in obedience to a general conviction of the necessity of the case, dualism was granted to Hungary, it was intended as the last concession in that direction. But the success of the long and patient struggle in Hungary has apparently only encouraged the other ethnological divisions of the empire to more clamorous demands. The most serious agitation now, in this sense, is that which is universally going on in the C-zech population of Bohemia, which loudly demand the autonomy of the provinces formerly embraced under the crown of St. Wenceslaus, a separate ministry, and the solemn installation of the Emperor at Prague as King of Bohemia. This is attended with what may be termed an "animated flirtation" with the Emperor of Russia, some of the manifestations of which have been the Panslavic pilgrimage to Moscow, the playing of the Russian anthem in the streets of Prague, and the like. These, however, are mere eccentricities of party. I do not think the more influential and intelligent leaders of the movement have any serious intention of inviting the intervention of a foreign power.

I need not speak of the chronic deficit of the treasury as the first and most palpable lion in the path. These difficulties are fully recognized by the liberal majority, and while they disclaim responsibility for them as legacies which have descended from former aristocratic administrations, they announce their purpose to deal with them as promptly and effectually as possible. Many of the leading conservatives confidently anticipate an early failure of the liberal government, and the accession to power of the reaction. If this be so, it will be only one more instance of the disregard which history sometimes pays to the common law maxim, that no one shall take advantage of his own tort. And in the long run I suppose no one ever does.

I am, sir, very respectfully, your obedient servant,

JOHN HAY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Hay.

No. 11.]

DEPARTMENT OF STATE,
Washington, January 13, 1868.

SIR: I have received your dispatch of the 24th of December, No. 14. Your account of the reorganization of the empire under its amended constitution is very interesting. It is gratifying to see that the national mind is cheerful and hopeful, and that prosperity revives so speedily under this great reform.

Whatever may be the fate of the further compromises which have been projected, certainly no one who considers the constitutional reforms that have been already accomplished can deny to Austrian and Hungarian statesmen the merit of great loyalty, patriotism, intelligence, and enterprise.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN HAY, Esq., &c., &c., &c.

Mr. Hay to Mr. Seward.

No. 19.]

LEGATION OF THE UNITED STATES,
Vienna, February 5, 1868.

SIR: The government of Austria pursues steadily its work of improvement and reform. The minister of the interior, Dr. Giskra, has issued to the civil functionaries of the empire a circular in which, while inviting them to take the oath of allegiance to the new constitution, he states in a most impressive way that this is not a mere formality, but that they will be expected to labor in good faith for the practical realization of the liberal aims of that instrument. The circular has been very well received by the great majority. By the party of reaction it is regarded as a new insult and affliction.

The government, acting in harmony with the spirit of this circular, has, at his own request, removed the Ritter von Toggenburg from the governorship of the Tyrol, and transferred him to the permanent retired list. He has been long known as one of the most prominent of the ultra conservatives holding high civil position, and his retirement affords significant evidence of the thoroughness of the intended reforms.

The vacancy in the presidency of the House of Lords, occasioned by Prince Auersberg's appointment as minister resident, has been filled by the imperial nomination of Prince Colloredo-Maunsfeld, a nobleman of pronounced liberal tendencies.

The minister of war, Baron von John, has resigned, on account of a disagreement with the majority of the government, who could not assent to his ideas of the necessity of greater armaments, and his place has been supplied by General von Kuhn. The ober-commando of the army, an office hitherto vested in the Arch duke Albert as general-in-chief, has been incorporated with the *responsible* ministry of war. The prince retains his position as inspector general. This brings the military administration into harmony with the constitution.

The two delegations, representing respectively the Hungarian Diet and the Austrian Reichsrath, have been a fortnight in session, and have as yet made little progress in serious business. I find my impression growing stronger that this machinery of communication between the two halves of the empire will be found too cumbrous for the speedy and satisfactory dispatch of public business. It was a compromise founded too much upon mutual distrust, and too little upon mutual confidence to thoroughly succeed. Already some time has been lost by a peremptory interpellation of the Hungarian left, demanding explanations of the title *reichsministerium*, minister of the empire, which they said should have been "ministry for common affairs." They were pacified by an explanation which, as there was nothing to explain, explained nothing.

The business now before the delegations is the war budget for the

coming year. The impression among the Austrians was that the propositions of the government would be accepted, virtually in the state in which they were received, with a proviso declaring that this was to be considered merely a provisional arrangement, and that a fixed basis for the future should be at once discussed and settled. This is the besetting sin, as it appears to me, of Austrian politics—this tendency to accept measures with which no one is entirely satisfied, contenting their consciences with protesting against the precedent. But in this indolent plan of the provisorium they reckoned without the Hungarians.

The Magyars are a race endowed with a genuine passion for political matters. Their zeal and stubborn tenacity form a striking contrast to the easy and compromising character of the average Austrian. The Hungarians have by no means given up the idea of having their national Landwehr made independent of the Austrian commands in its organization. They know their liberties would be far more easily assured if universal peace could be made certain; and disarmament is peace. These motives, therefore, have doubtless inspired their opposition to the government military budget, which they claim is much too high for the peace establishment. Instead of 76,000,000 florins, which the government demands, they seem inclined to vote no more than 50,000,000. This, the Austrians say, will only suffice for an effective force of 150,000 men, instead of the present army of about 400,000. The secret answer of the Magyars is so much the better; we are then sure of peace, and the regular army will form merely a skeleton to be filled if needed by the reserve.

It is not in my power to predict the result of these debates. But I cannot help hoping that this time, at least, the tenacious Magyars may carry their point. The great calamity and danger of Europe to-day are these enormous armaments. No honest statesman can say that he sees in the present attitude of politics the necessity of war. No great power is threatened. There is no menace to peace that could not be immediately dispelled by a firm protest of the peacefully disposed majority of nations. There would be, therefore, no danger to any people, but a vast and immediate gain to all, from a general disarmament. It need not be simultaneous. It is idle to say France fears invasion from Prussia or Prussia from France, and an honest understanding among the western nations would keep the peace from the eastern side. Why, then, is this awful waste of youth and treasure continued? I believe from no other motive than to sustain the waning prestige of kings. Armies are to-day only useful in Europe to overawe the people in peace, or by groundless wars to divert their attention from domestic misrule. With the disappearance of great armies the welfare of the people would become the only mainspring of national action, and that false and wicked equilibrium, by which now the interests of one man weigh as heavily as those of millions of his fellow-creatures, would be utterly destroyed.

It would be singularly suggestive if Austria, so long the leader of the forces of reaction, should now come forward to set for the world the magnanimous and courageous example of a constitutional state, based upon the popular will, and refusing the support of bayonets.

I am, sir, very respectfully, your obedient servant,

JOHN HAY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Hay to Mr. Seward.

No. 23.]

LEGATION OF THE UNITED STATES,
Vienna, May 27, 1868.

SIR: The official Gazette of yesterday contained the text of the laws in regard to schools and civil marriage, commonly called the confessional laws. On the 24th of October last I announced to you the passage of the first of these measures through the lower house of the Reichsrath. On the night of the 21st of March the city of Vienna was illuminated, the ministers serenaded, and the national hymn sung by a vast concourse of people around the statue of Joseph II, in honor of a favorable vote in the same matter in the House of Lords. But it was only on Monday last that these measures received the imperial sanction and became laws of the empire. By a singular and touching coincidence, the promulgation of these laws took place on the same day with the funeral of Dr. Mühlfeld, who was their principal framer and most strenuous advocate in the House of Representatives. He died on Sunday, unconscious that his great work was at last completed.

No intelligent persons, whom I have seen, have at any time seriously doubted that the Emperor would sanction these measures. Since he has entered upon the new constitutional path which he is now treading, he has acted with the utmost propriety and good faith, in submitting his personal sentiments and desires to the regularly expressed wish of the people of the empire. But the very long delay in the matter; the mysterious silence of Count Crivelli in Rome, from his arrival there until his sudden death; the presence at Pesth-Ofen of members of the imperial family of notorious reactionary sympathies; and the ceaseless activity of the higher clergy in Austria, all combined to excite a vague feeling of distrust among the people, which is now finally relieved. There is, however, no enthusiastic demonstration over the result. The effervescence ended in March, when the Herrenhaus voted.

Baron Meysenbug started yesterday for Rome, to resume the negotiations with the Pope, which were broken off by the death of Count Crivelli. It is not thought that the Papal government will push matters to an open breach with this court. They will more probably prefer to accept the inevitable state of things—saving all their rights or claims by a strong protest, and trusting by their still great influence, in every class from palace to hovel, to prevent the recent legislation from inflicting any practical damage upon the ecclesiastical power.

I am, sir, with great respect, your obedient servant,

JOHN HAY.

Hon. WILLIAM H. SEWARD,

*Secretary of State, Washington, D. C.**Mr. Hay to Mr. Seward.*

No. 27.]

LEGATION OF THE UNITED STATES,
Vienna, July 16, 1868.

SIR: The Papal government seems to have committed an irreparable blunder in the allocution fulminated against Austria for the breach of the concordat. It was thought by the more zealous that this utterance of the Pope would have a powerful effect upon the court, the aristocracy, and the masses of the population in Austria; and for a few days the champions of reaction were in great glee over it. The prince and bishops came out one after another, in pastoral letters, which were nothing

less than seditious, declaring the objectionable school and marriage laws null and void, and denouncing those who should avail themselves of their provisions as "public transgressors." This spiritual exaltation appears now to have entirely died away. The clerical organs use much more moderate language, declaring that they never meant to attack the legal efficacy of these laws. And it is said that the reports now sent to Rome from the higher clergy, and from the apostolic nuncio himself, are of the most discouraging character. The Pope is reported to have said a few days ago that he had no idea that the pernicious sentiments of Joseph II had taken such deep root in Austria; that we must hope for better days, and pray for the passing away of the religious indifference that is so marked a characteristic of the times.

The government of the Emperor has presented a protest to the Papal government against the allocation, which is not as yet made public, but is understood to be couched in firm but courteous language. The people of Austria have responded to what they consider an unauthorized foreign dictation in a remarkably energetic and unanimous manner. In numerous municipal bodies resolutions denunciatory of the allocation have been passed. In the diocese of Gratz several of the town councils have refused to the archbishop, who has rendered himself obnoxious by his opposition to the confessional laws, the usual public receptions in his tour of confirmation. In Vienna, a large public meeting was held last week, where the allocation was read and torn in pieces by an excited orator amid general applause. An election has just been held in this city to fill the place of representative in the Landtag, or general assembly of Austria proper, left vacant by the death of the distinguished liberal, Dr. Mühlfeld. It was thought there would be a trial of strength between the clerical and liberal parties. But Dr. Giskra, minister of the interior, the liberal candidate, received every vote but one, the professors of the benedictine establishment going in a body to the polls and voting for him. In the south the warmer Italian blood of the population of Trieste has given occasion to regrettable scenes of riot in the streets. Disorderly crowds have almost daily, during the past week, disturbed the peace of the city with cries of "down with the Pope!" and boisterous demonstrations against the monasteries and other religious establishments.

Even in the court and among the higher aristocracy there seems no disposition to defend the arrogant and aggressive attitude of the Papal government. By this act, which was intended to strike opposition dumb, and rescue the church from all its perils, the clerical authority has probably been more weakened in Austria than it could have been by years of liberal agitation.

Baron Meysenbug, under secretary of state, who has been since May in Rome, endeavoring to settle the differences between the two courts, is expected to return to-day, having utterly failed in his mission. He belongs to the clerical-feudal party, and was selected for this mission as a *persona gratissima* to his Holiness. But it is thought that this very fact, and the concessions which in his private capacity he was ready to make to the views of the Pope, prevented his presenting with any energy the views of his government, and encouraged the Papal curia in its attitude of blind resistance. It is now thought that the embassy in Rome will be abolished, and that Austria will be in future only represented there by a *chargé d'affaires*.

I am, sir, with great respect, your most obedient servant.

JOHN HAY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

ITALY.

Mr. Seward to Mr. Marsh.

No. 180.]

DEPARTMENT OF STATE,
Washington, January 16, 1868.

SIR: I inclose herewith a transcript of a dispatch of the 6th ultimo, addressed to this department by Mr. G. H. Heap, United States consul at Tunis, concerning recent events which have taken place in that quarter, and which, it is represented, have caused painful excitement and apprehension.

I will thank you to collect such information as may be available upon the subject to which Mr. Heap's communication refers, and to report whether the case is one of such manifest evil tendency as to require any special notice on the part of this government.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GEORGE P. MARSH, Esq., &c., &c., &c.

[For enclosure *vide* correspondence with Tunis.]

Mr. Marsh to Mr. Seward.

No. 203.]

LEGATION OF THE UNITED STATES,
Florence, February 3, 1868.

SIR: I saw General Menabrea this morning at his weekly reception of the members of the diplomatic corps, and said to him, that, though I was not authorized to demand explanations in regard to the objects of the Italian naval expedition now fitting out, as is said, for the waters of the La Plata, yet I was sure that my government would receive with pleasure any information on the subject which he might choose to impart confidentially either through me or through Mr. Cerruti.

General Menabrea replied that he was quite willing to be entirely frank in relation to the objects of the expedition; that its primary purpose was to relieve the Italian squadron now cruising in the South American seas, but that a somewhat imposing character was given to it on this occasion, because it was thought that the presence of a considerable naval force would facilitate negotiations for the liquidation of the claims of Italian subjects against the republic of Uruguay; that claims analogous in principle, on the part of British and French subjects, had been allowed and paid by that state; and that the Italian government thought it due to itself and its subjects to insist on equal justice to its own people; but that no idea of conquest, or of intervention in the internal affairs of any South American government, or in any differences between any two of them, had been for a moment entertained. He added, that he did not suppose that there was any probability of the necessity of a resort to force, and he was convinced that the display of a material ability to maintain the national rights and honor was all that would be required.

I have the honor to be, sir, your obedient servant,

GEORGE P. MARSH.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Marsh to Mr. Seward.

[Extract.]

No. 204.]

LEGATION OF THE UNITED STATES,

Florence, February 6, 1868.

SIR: I have conversed with Mr. Barbolani, secretary general of the ministry of foreign affairs, who has been some time in that branch of the Italian public service, and with other persons conversant with the state of things at Tunis, in relation to the subject of Mr. Heap's dispatch, a copy of which accompanied a late instruction of yours.

Mr. Barbolani said that his government had been very cautious in offering advice to the Bey of that regency, and he did not appear to be aware that any European government had gone so far in the way of remonstrance against the severities lately and still practiced by the Bey's administration as Mr. Heap's information would lead one to suppose.

The statement of facts by Mr. Heap and his predecessor is certainly not exaggerated, but the Italian government expects little good in that quarter from moral means, and its interests, and those of its subjects, have not yet called for the employment of material force.

There are 5,000 or 6,000 Italians residing in the basklik, and the commercial relations of Tunis with Italy are more important than with any other Christian state. On the other hand, our commerce with that country is insignificant, and we can hardly be said to have any other political relations with the Bey's government than are implied in its recognition of our consular agents. It does not seem probable that a government so remote as ours could accomplish much for the cause of humanity in Tunis, by resorting to measures which European powers have found ineffectual, or which they have not thought it expedient to adopt, and no information which I have obtained leads me to suppose that the desired end would be advanced by any special action on the part of the American government.

There would, however, be little risk in authorizing Mr. Heap to unite with the European consuls, at Tunis, in any general moral measures which their governments may instruct them to adopt.

You will pardon me for suggesting that Mr. Cerruti, by official residence on the Barbary coast, and by long service in the ministry of foreign affairs at this court, is better qualified to advise on this subject than any person known to me here, and as his intelligence and good faith are altogether to be relied on, I have no doubt he can give you valuable information on the subject.

General Menabrea told me yesterday that he should write fully to Mr. Cerruti on the subject of the Italian naval expedition to South America, and I infer from his remarks that this government would gladly accept the good offices of our own with that of Uruguay. I think it probable that Mr. Cerruti will suggest this to you, and, in any event, I have no doubt an offer to that effect from you would be received as a gratifying evidence of amicable sentiments towards Italy. * * *

I have the honor to be, sir, your obedient servant,

GEORGE P. MARSH.

HON. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Marsh to Mr. Seward.

No. 205.]

LEGATION OF THE UNITED STATES,
Florence, February 17, 1868.

SIR: Admiral Farragut and suite arrived at Florence on the evening of Friday, the 7th instant, and left town this morning. As soon as his arrival was known he was invited by the King to a great military dinner, and afterwards received a similar compliment from a large number of members of Parliament, of every shade of political opinion. He also attended evening receptions at the houses of the president of the council and the Turkish minister, and entertainments were given to him by Mrs. Marsh and by Colonel and Mrs. T. B. Lawrence. In short, he was received with a cordial hospitality rarely shown, in the same degree, to strangers of any nation, and I believe that everything was done in his honor and for his enjoyment, both by the Italian government and by the American and other foreign residents at Florence, that the shortness of his stay permitted.

On all these occasions the most friendly and respectful sentiments were manifested towards the government and people of the United States, and I can say, with entire confidence, that during my residence in this kingdom no foreign visitor at the Italian capital has made a more favorable personal impression upon all who have been brought into contact with him than our great naval hero and patriot, Admiral Farragut.

La Spezia, where the Franklin and some other ships of the squadron are lying, is at too great a distance from all the large Italian towns to allow of the vessels being visited conveniently by many official or private persons who are interested in naval architecture; but there will be ample opportunity for this purpose during the admiral's stay at Naples, and it is not impossible that the King and his court may make a visit to that city at the same period.

I have the honor to be, sir, your obedient servant,

GEORGE P. MARSH.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Marsh.

No. 185.]

DEPARTMENT OF STATE,
Washington, February 20, 1868.

SIR: Your dispatches of the 2d of February, No. 202, and of the 3d of February, No. 203, have been received.

I approve and commend your proceedings in making inquiries of General Menabrea, in regard to the dispatching of an Italian squadron to the waters of La Plata. No communication has been made to me on that subject by the Italian minister here, and in the absence of any authentic information, I had come to regard the rumor as groundless.

A third party can reasonably ask no further explanation on the subject than that which General Menabrea has so promptly and courteously given. I shall lose no time in giving that information to Mr. Asboth, United States minister at Montevideo and Buenos Ayres.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GEORGE P. MARSH, Esq., &c., &c., &c.

Mr. Seward to Mr. Marsh.

No. 188.]

DEPARTMENT OF STATE,
Washington, February 28, 1868.

SIR: Your dispatch of the 6th of February, No. 204, has been received.

I thank you for the attention you have bestowed upon the questions in regard to the present condition of Tunis, upon which I solicited your attention. Your conclusions coincide with those which I was inclined to adopt.

I shall be content, for the present, to reserve any special instructions to Mr. Heap.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GEORGE P. MARSH, Esq., &c., &c., &c.

Mr. Seward to Mr. Marsh.

No. 189.]

DEPARTMENT OF STATE,
Washington, February 28, 1868.

SIR: Recurring to your dispatch of the 6th of February, No. 204, I have to inform you that a free conversation has been had between Mr. Cerruti and myself, in regard to the departure of an Italian fleet to the waters of the La Plata. Probably I shall instruct Mr. Asboth to use his good offices with discretion, for a pacific and friendly adjustment between Italy and the republic of Paraguay.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GEORGE P. MARSH, Esq., &c., &c., &c.

BELGIUM.

Mr. Sanford to Mr. Seward.

No. 469.]

LEGATION OF THE UNITED STATES,
Brussels, March 30, 1868.

SIR: The new army bill, after being discussed for several weeks in the house of representatives, passed that body on the 13th instant, by a vote of 66 to 35, the only important modification in the original proposition of the government being a reduction by it to 2,000 addition to the annual contingent instead of the 3,000 men asked for. The sentiment seems to be very decided that, in view of the preparations for war on all sides, Belgium must put herself in a better condition of defence for the event of war, and also to suppress disorders in time of peace, and several influential members of the opposition have aided with their votes to swell the majority of the government.

The necessity of an army to quell domestic disturbance also, which the minister of finance insisted upon in his closing speech, has been painfully illustrated in the past few days.

On the 26th an outbreak of workmen occurred in the thickly peopled mining and manufacturing district of Charleroi, caused by a reduction of wages and diminution of time of labor by the employers of the coal miners; the troops were called in to quell it, some 2,500 in all, and 8 or 10 of the people were killed and a number wounded. Tranquillity is for the moment restored, but the cause of its disturbance remains—insufficient wages and work in a time of unusual distress and dearness of provisions.

The disturbance has no political character.

I have the honor to be, with great respect, your most obedient servant,
H. S. SANFORD.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Sanford to Mr. Seward.

No. 472.]

LEGATION OF THE UNITED STATES,
Brussels, April 14, 1868.

SIR: The troubles in the mining district of Charleroi do not appear to be entirely appeased. The troops were called out again a few days since in a neighboring locality to disperse the workmen; none were killed, though several were wounded.

It is denied here that there were any cries of "Vive l'Empereur," as is asserted by the French journals, on the occasion of the disturbance mentioned in my dispatch No. 469; there seems to be no doubt, however, that there were strangers among those active in exciting to disorder and revolt.

Those who have died since that collision with the troops swell the whole number of killed up to this time, I am informed, to 36.

The other manufacturing and mining districts of this country are tranquil.

I have the honor to be, with great respect, your most obedient servant,
H. S. SANFORD.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Sanford to Mr. Seward.

No. 473.]

LEGATION OF THE UNITED STATES,
Brussels, April 23, 1868.

SIR: I was present at a dinner at the palace yesterday given by their Majesties in honor of the Prince and Princess Hohenzollern Sigmaringen, parents of her royal highness the Countess d'Flandre, and at which, besides the three royal families, all the heads of foreign missions here and many of the high dignitaries of the country were present.

As the invitation on its face bore the usual designation for ceremonious occasion, "*en uniforme*," I deemed it proper, in view of the comment which has been excited over the "unavoidable circumstances" which were announced as preventing our minister in a neighboring country from being present at court on the invitations of the sovereign, to say in my reply of acceptance to the grand marshal that my diplomatic uniform was now citizen's dress.

The 70 guests all wore the uniforms prescribed by their respective courts; the servants were, of course, in livery; the only person, therefore, in plain clothes was the representative of the United States, who was received by his Majesty with his usual kindness, and was treated by the court with as much respect and courtesy, I presume, as if he had worn a coat embroidered with gold, or one, like Joseph's, "of many colors."

I have to crave your indulgence for referring to a subject in itself trivial, but to which the clamorous perversity or ignorance of some of our countrymen has given undue importance, where it would otherwise have been taken as a matter of course by those who are popularly supposed to have most interest in the matter, viz: foreign governments. No European official of rank, I will venture to say, has ever, as such, presumed to call in question the right, nay, more, propriety of our government's prescribing, as all other governments do, the costume which, in accordance with its usages, the representatives of the United States shall wear on official occasions, much less of those representatives conforming thereto. I have never known such exception to be taken during my twenty-one years' experience abroad. Newspaper gossip at home has been reprinted and circulated in Europe, exciting comment, and thus it has happened that since Secretary Marcy's circular of June, 1853, the subject has been frequently referred to in my presence, and with the result above indicated; and more, for I have heard the principle generally commended, and also by representatives of nearly every European power, as being in keeping with our institutions and practice at home, and more dignified than the varied fancy costumes adopted by some of our ministers abroad.

In conclusion, I venture to express the hope that this subject, again

made conspicuous, may now be finally and forever set at rest by legislation or instructions which will leave no loophole for shirking or perversion; and if the law were so amended as to admit of no exception in favor of ex-officers of the army, it would add to the uniformity in dress on official occasions of our representatives and make it more in keeping with its civil character, and can detract in no way from the influence or consideration of our ministers.

I have the honor to be, with great respect, your most obedient servant,
H. S. SANFORD.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Sanford to Mr. Seward.

[Extract.]

No. 475.]

LEGATION OF THE UNITED STATES,
Brussels, April 27, 1868.

SIR: The *Moniteur* of this morning contains in the part headed "non-official" a communication, including several documents therein referred to, relating to the difficulties existing between this government and Mecklenburg-Schwerin, by reason of the non-payment by the latter of the quota ascribed to it in the capitalization and extinguishment of the Scheldt dues.

It may be remembered by the department that Mecklenburg did not take part in the treaty of 1863, and its vessels coming into Belgian ports have since, under the terms of the law of 13th June, 1863, authorizing the King to make the treaty, had an additional tax of five francs imposed upon them.

Long and fruitless negotiations have followed, during which Mecklenburg proposed to the equivalent of 600,000 francs net in lieu of the 1,036,320 francs established at the outset as its share on the basis paid by the other powers.

She has now become a member of the Germanic Confederation, and as such its ships bear its flag. They are, however, still subjected to verification and the payment of the tax in Belgian ports, and the subject has been brought before the German federal council by this government, and is still pending there, this government declaring that it cannot recognize the flag of the North German Confederation, save with the reserve of assuring itself that it does not cover Mecklenburg vessels. * *

I have the honor to be, with great respect, your most obedient servant,
H. S. SANFORD.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Sanford to Mr. Seward.

No. 478.]

LEGATION OF THE UNITED STATES,
Brussels, May 27, 1868.

SIR: I have already taken occasion to refer to the act pending in the Belgian Parliament touching extradition.

It became a law on the 5th ultimo, and I have the honor to inclose herewith a translation of the same.

By the first article the government may deliver up to foreign governments, on condition of reciprocity, any foreigner indicted, accused, or convicted by the courts of said countries for any of the numerous acts specified in the subsequent articles.

The manner of extradition, transit, provisional arrest, limitation, acts of Belgian citizens and of naturalized citizens, are treated in the following articles, and I beg to call the attention of the department to this important law, the more particularly in view of the fact that we have no extradition treaty with Belgium.

I have the honor to be, with great respect, your most obedient servant,
H. S. SANFORD.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

DEPARTMENT OF JUSTICE.

EXTRADITION LAW.

Leopold II, King of the Belgians, to all present and to come, greeting:

The houses have adopted and we sanction what follows:

ARTICLE I.

The government may deliver up to the governments of foreign countries, on condition of reciprocity, any foreigner indicted, accused, or convicted by the courts of said countries, for any of the acts hereafter enumerated that may have been committed on their territory:

1. Murder, poisoning, parricide, infanticide, manslaughter, rape.
2. Arson.
3. Forgery, or counterfeiting public stock or bank notes, public or private titles, issuing or circulating such forged or counterfeit stocks, notes, or titles, forgery in writing or in telegraphic dispatches, and using such forged, counterfeit, or falsified dispatches, stock notes or titles.
4. Coining, including counterfeit and adulteration of coin, issuing or circulating counterfeit or adulterated coin, as well as fraud in the choice of samples for the verifying of the standard and weight of coin.
5. False witness and false declarations of appreciators or interpreters.
6. Robbery, swindling, peculation, embezzlement committed by public functionaries.
7. Fraudulent bankruptcy, and frauds committed in bankruptcies.
8. Associations of malefactors.
9. For threats of violence against persons or property, punishable by the pain of death, hard labor, or confinement.
10. Abortion.
11. Bigamy.
12. Acts of violence against individual liberty and the inviolability of the dwelling of persons.
13. Abduction, concealing, suppression, substitution, or supposition of children.
14. Exposing or abandoning children.
15. Abduction of minors.
16. Outrage on chastity committed with violence.
17. Outrage on chastity committed without violence on the person of a child of either sex, under 14 years of age.
18. Outrage against morals by exciting, facilitating, or habitually favoring to satisfy the passions of others; debauchery or corruption of minors of either sex.
19. Blows given, or wounds inflicted wilfully, with premeditation, or having caused a disease apparently incurable, a permanent disability of personal labor, the loss of the absolute use of an organ, or death without the intention of causing it.
20. Abuse of confidence, and deceit.
21. Tampering with witnesses, experts, or interpreters.
22. Perjury.
23. Counterfeiting or falsifying seals, stamps, and marks, using counterfeit or false seals, stamps, and marks; and using for hurtful purposes real seals, stamps, and marks.
24. Bribery of public functionaries.

25. Destruction of buildings, steam engines, or telegraphic apparatus; destruction or damaging of tombs, monuments, works of art, documents or other papers; destruction or damaging of produce, merchandise, or other movable property, and opposition to the execution of public works.

26. Destruction or damaging of crops, plantations, trees, or grafts.

27. Destruction of agricultural implements, destruction or poisoning of cattle or other animals.

28. Abandoning by the captain, except in cases provided by the law, of a ship, or trading or fishing boat.

29. Running aground, loss, destruction by the captain or officers and crew, turning astray by the captain of a ship or trading or fishing boat, throwing overboard or destroying without necessity of the whole or part of the cargo, victuals or effects on board, false direction, borrowing without necessity on the body, victualing or equipping of the ship, pledging or selling the merchandise or victuals, or making use in the accounts of supposed damages or expenses, sale of the ship without special power except in the case of unnavigability, unloading merchandise without previous report, except in case of imminent peril, robbery committed on board, adulteration of victuals or merchandise committed on board by the mixture of noxious substances, violent attack or resistance against the captain by more than one-third of the crew, refusal to obey the captain or commanding officer for the safety of the ship or cargo, with blows and wounds, plot against the safety, liberty or authority of the captain, capture of the ship by the sailors or passengers by fraud or violence against the captain.

ARTICLE II.

Extradition shall only be granted on production either of the judgment or sentence of condemnation, or of the order of the chamber of council, of the decree of the court of indictment, or of the deed of prosecution proceeding from the competent judge, formally decreeing or lawfully committing the prisoner or accused before the repressive jurisdiction, the said documents delivered in the original or in authentic copy, and after having taken the opinion of the indicting chamber of the court of appeal in the jurisdiction of which the foreigner shall have been arrested. The trial shall be public unless the foreigner ask for closed doors.

The public accuser and the foreigner shall be heard; the latter may be assisted by counsel.

Within a fortnight after the reception of the documents, they shall be forwarded, with reasons in full, to the minister of justice.

ARTICLE III.

Extradition by means of transit over the Belgian territory may, nevertheless, be granted without taking the opinion of the indicting chamber, on the mere production in original or in authentic copy of one of the deeds of prosecution mentioned in the preceding article whenever it shall be required by a foreign state, for the advantage of a foreign state, both bound to Belgium by a treaty comprising the infraction giving rise to the demand of extradition. and when it shall not be forbidden by Article 6 of the law of October 1, 1833, and Article 7 of the present law.

ARTICLE IV.

The foreigner may be arrested provisionally in Belgium for one of the acts mentioned in Article 1, on the exhibition of a warrant issued by the competent foreign authority and rendered executory by the chamber of council of the tribunal of first instance of his place of residence or of the place where he may be found, and, in case of urgency, on the exhibition of a warrant issued by the judge of instruction of his place of residence or of the place where he may be found, and substantiated by an official notice given to the Belgian authorities by the authorities of the territory where the crime or offense has been committed. Nevertheless, in that case, he shall be set at liberty if, within the delay of ten days, reckoning from his arrest, when the latter shall have been operated at the request of the government of a contiguous country, and within the delay of three weeks, when of that of a distant country, he does not receive communication of the warrant, issued by the competent authority. After the order or arrest, the judge of instruction is authorized to proceed according to the rules prescribed by Articles 87 to 90 of the code of criminal instruction.

The foreigner may claim to be set at provisional liberty in cases wherein a Belgian enjoys that faculty, and under the same conditions. The claim shall be submitted to the chamber of council.

The chamber of council shall also decide, after hearing the foreigner, whether there be reason or not to transmit, wholly or in part, the papers and other objects seized to the foreign government asking for the extradition. It shall order the restitution of papers and other objects not directly connected with the act imputed to the accused.

ARTICLE V.

The foreigner provisionally arrested shall be set at liberty if, within two months, he does not receive notice, either of a judgment or sentence of condemnation, or of an order of the chamber of council, a decree of the indicting chamber, or a deed of criminal prosecution issued by the competent judge, formally decreeing or lawfully committing the accused for trial before the repressive jurisdiction.

ARTICLE VI.

The treaties concluded, in virtue of the present law, shall be inserted in the *Moniteur*; they cannot be carried into effect until ten days after the date borne by that journal.

ARTICLE VII.

Extradition cannot take place if, since the imputed act, prosecution or condemnation, prescription of the action, or of the penalty is acquired according to the laws of Belgium.

ARTICLE VIII.

Articles 2 and 3 of the law of December 30, 1836, on the repression of crimes and offenses committed by Belgians abroad, are applicable to the infractions provided for by Article 1 of the present law.

ARTICLE IX.

They are likewise applicable to infractions in matter of forest; country, or fishery.

ARTICLE X.

The foreigner who, after committing, out of the territory of the kingdom, any of the infractions provided for by Article 1 of the law of December 30, 1836, and by Articles 1 and 9 of the present law, shall acquire or recover his quality of a Belgian citizen, may, if he is in Belgium, be there prosecuted, tried and punished according to the laws of the kingdom, within the limits determined by the said law of December 30, 1836.

ARTICLE XI.

The law of July 7, 1865, relative to foreigners, is moreover applicable to the foreigner residing in Belgium who has been prosecuted or condemned abroad for any of the infractions provided for by Article 1 of the present law.

ARTICLE XII.

The disposition of the law of October 1, 1833, with the exception of Article 6, are abrogated.

We promulgate the present law, order it to be sealed with the seal of the state, and published through the medium of the *Moniteur*.

Given at Brussels April 5, 1868.

LEOPOLD.

By the King:

JULES BARD,
The Minister of Justice.

Sealed with the seal of the state.

JULES BARD,
The Minister of Justice.

Mr. Sanford to Mr. Seward.

No. 481.]

LEGATION OF THE UNITED STATES,
Brussels, May 29, 1868.

SIR: The house of representatives adjourned *sine die* on the 18th. The senate is now in session, but has about terminated its labors.

The only act of special importance of this Parliament is the law for

the reorganization of the army, reported to you at the time of its passage.

On the 9th proximo elections take place to provide for the removal of one-half the members of the house, where terms expire at that date. There is nothing to indicate any change of importance in the present condition of parties. The provincial elections which were held four days ago would so imply. Great interest was felt in those elections at Antwerp, and there appears to have been expectation on the part of the liberals that a change would be wrought in the representation of that city. The result, as indicating that the local and persistent opposition to the government that has characterized the representation of Antwerp is to be continued, is, I have not doubt, a source of considerable disappointment to it.

I have the honor to be, with great respect, your most obedient servant,
H. S. SANFORD.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Sanford to Mr. Seward.

No. 482.] LEGATION OF THE UNITED STATES,
Brussels, June 5, 1868.

SIR: The Franklin arrived at Flushing yesterday, and Admiral Farragut is expected at Antwerp to-morrow on a steamer sent down by this government to conduct him up the river.

On receiving word from Lisbon of his intended visit, I requested Mr. Vanderstichelin to inform his Majesty, who had previously expressed to me the pleasure it would give him to receive the admiral, and to-day the grand marshal of the court has called to invite him and twenty-five of his officers to dine with his Majesty on Monday.

The Ticonderoga is expected at Antwerp in two or three days.

I have the honor to be, with great respect, your most obedient servant,
H. S. SANFORD.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Sanford to Mr. Seward.

No. 484.] LEGATION OF THE UNITED STATES,
Brussels, June 12, 1868.

SIR: Admiral Farragut arrived here on the 8th, and with his staff and other officers dined with the King at the palace on the same evening. All the members of the cabinet were present, with this legation, at the beautiful banquet given in honor of that gallant commander. On the following day the admiral went, by invitation, with his staff, Captain Wyman of the Ticonderoga, and Mrs. Farragut, to breakfast at the palace at Laeken, where they were received by the Queen, who was not present at the entertainment at Brussels, where I also accompanied them with my family.

Last evening the ministers of the Crown, the high officials of the court,

and the representatives of those countries where the admiral has been received with especial courtesy, met him at dinner at this legation.

To-day he has left for Leip to visit some of the manufacturing establishments there, and he proceeds thence to visit the steel works at Essen, expecting to be back here in time to receive the King on board the Franklin off Ostend, about the 22d instant.

The most cordial desire has been manifested on the part of his Majesty and the officials of the government to treat the admiral with due consideration and make his stay here pleasant.

The Ticonderoga, which reached Antwerp on the 10th, is still lying in the Scheldt before that city.

I have the honor to be, with great respect, your most obedient servant,
H. S. SANFORD.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Sanford to Mr. Seward.

No. 486.]

LEGATION OF THE UNITED STATES,
Brussels, June 23, 1868.

SIR: The King and Queen, accompanied by all the members of the cabinet save one, and by several of the foreign ministers, members of the royal household, &c., went down by special train to Ostend yesterday morning and visited the Franklin and Ticonderoga, which had come off that port for their reception.

Their Majesties were received by Admiral Farragut and his officers with due courtesy and attention, and after spending several hours on his ship witnessing various exercises, target practice, &c., and partaking of lunch, returned to Brussels. I accompanied them, and their Majesties expressed to me repeatedly and most heartily the pleasure which the visit and the cordial and hospitable reception they received had given them.

The ships left this morning for Southampton. The visits of our ships of war to Belgian waters produce an excellent effect, and they are cordially welcomed by the authorities and people now as they were during the war, when the ports of neighboring states were practically closed to them. I hope their visits will be continued.

I have the honor to be, with great respect, your most obedient servant,
H. S. SANFORD.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Sanford to Mr. Seward.

No. 491.]

LEGATION OF THE UNITED STATES,
Brussels, July 31, 1868.

SIR: I have not heretofore felt called upon to make mention of the rumors touching a projected Belgo-French Customs Union, which have, of late, occupied the French press, but the prominence the subject has acquired in the public mind leads me now to refer to it.

I have reason to believe that no propositions or overtures looking to such a transaction have been made to this government by that of the Emperor Napoleon. It is not, however, a new question, but has been the object of careful examination by the two governments at various times under various administrations during the reign of Louis Philippe.

The same reasons that prevented carrying out the project then, would, doubtless, be quite as potent now. The political concessions to France, such as jurisdiction of French tribunals and authorities in customs matters and the exercise by French custom-house officials of their functions in Belgium, which were expected in return for the advantages that, in a commercial and industrial point of view, would be on the side of that power, with the more extended market for their products, would hardly be granted by this government or acceded to by the people.

The persistency of the rumors would seem to indicate that the public mind is being prepared for some movement of the kind on the part of France; my opinion is, that if made, it will not be successful.

There are those here, and I lean to their opinion, who ascribe the agitation of this subject to the war party at Paris, which is powerful and grows more active and openly enterprising as the colossal military preparations of France approach their completion, and who appear to be on the alert for a foreign question to work upon.

While the press here is generally silent with regard to the possible disturbance of peace by France, there is not, among thinking men whom I come in contact with, entire freedom from apprehension on that score.

I have the honor to be, with great respect, your most obedient servant,

H. S. SANFORD.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

DENMARK.

Mr. Yeaman to Mr. Seaward.

No. 134.]

LEGATION OF THE UNITED STATES,
Copenhagen, February 12, 1868.

SIR: An interesting question discussed at the present session of the Danish Rigsdag has been the proposal to introduce and adopt the trial by jury for the administration of justice in criminal causes and political offenses. Here, as in France and some other countries of Europe, the custom is adhered to of questioning the accused, a practice so inadmissible under the reasoning of the common law. And here, in the ancient cradle of the jury system, the accused depends upon the judges before whom he is tried for his acquittal or condemnation. The jury system, which had been falling into desuetude for some time previous, almost entirely disappears from the Danish code of 1683. The present course of justice in Denmark is so careful, painstaking, and in the main so impartial and satisfactory, that the proposal to restore trial by jury is believed not to be made so much with the expectation of improving its administration, as on account of the supposed value of the trial by jury as a political element and safeguard. The party of advanced liberalism in Europe are not mere levellers, indiscriminating and frantic worshippers of equality, suffrage, and democracy. Many of them are learned jurists, duly conservative as well as liberal. They know the political influence which trial by jury has exercised in developing, and, at times, saving liberty in the countries where that mode of trial had been introduced by Scandinavian invaders and immigrants many centuries ago; and it would now be a curious historical incident, an almost unexampled restoration of a jurisprudential polity once changed or abandoned, if Denmark should now borrow or rehabilitate that which she had given to others and lost to herself.

The new constitution of Denmark, adopted in 1866, provides for trial by jury in criminal causes and political offences. The French text in the published translation authorized by government is: "*Le jury sera appliqué en matière criminelle et pour les délits politiques.*" I can form no opinion of the original Danish text, but it appears that the present government regards the constitutional provision as enabling, as being a grant of legislative power, and not as an obligatory command. The cabinet feel disinclined to sudden and material alterations in the forms and means of judicial procedure, alterations which certainly should be received with great caution in every country, and, without rejecting the proposal to introduce trial by jury, they do not feel prepared to indorse any formulation of it which has been offered, and while there is a considerable party advocating the measure in the Rigsdag, it seems probable that no proposition can be adopted without ministerial support. The discussion has ended in such way as to indicate that nothing more will be done this session.

The jury system, in different forms, can be traced among the Gothic Scandinavian nations as far back as there is any authentic history or tradition of their institutions. It is not improbable that the germs of it

were brought from central western Asia, between the north bank of the Indus and the eastern shore of the Caspian sea, as a tribal institution, by the followers of Odin. This can never be known with certainty, though contended for by learned scholars. But it is known that for centuries after the arrival of these fierce, liberty-loving people in northern Europe, personal combat and vengeance, family and hereditary feuds, natural and individual warfare, were so common as to be deemed an evil even by tribes who deemed it disgraceful for a man to die a natural death—falling in war being the surest admittance to their mythological heaven. The “price” paid for wounds and various other injuries, the origin of our fines and damages, and the judgments of the “Things,” said to derive their name from the function of speaking or pronouncing, are the first rude points around which civil law and social order, as distinguished from organizations for predatory warfare, began to form themselves, and by means of which the unbridled natural remedy of personal warfare was gradually taken from the individual and consolidated into the right and duty of society to punish for all offences. *Things* were of different sorts; some political, some judicial, but more generally, as the *Althing*, combining the two capacities. The judicial Thing was nearly always composed of men who acted both as witnesses and jurors, being preferred on account of their knowledge of the facts, though the requisite qualifications of disinterestedness, and being a “housekeeper,” are as old as the faintest lights of northern history.

These Gothic Things, so long existing among the Normans, Danes, Jutes and Angles of Scandinavia, (all of whom may correctly be called either Goths or Norsemen,) the custom of selecting “good men,” at first to hear the law recited and then decide the facts, but later to decide both law and facts, then to declare or ascertain the law, then again to amend the law, to “swear” (adjudge) the truth in disputed cases, and at times to grant, not to levy taxes or subsidies, are indisputably the origin of the English and American grand and petit juries, and are nearly as plainly the mother germ from which has sprung our entire system of organized representative government. The convention or parliament of selected twelve, called by the conqueror to ascertain and authenticate the Saxon laws in force previous to his advent, the House of Commons, Congress, every State legislature, every township council or board, are the political fruits of this ancient Gothic institution. The ethnological term “Anglo-Saxon” may be correct enough for general designation when applied to the mass of the people of England and the United States; but as a political term applicable to English and American institutions, it is not accurate. The Saxons were certainly allied, both in blood and institutions, to the pure Goths of Scandinavia. But among the Saxons on the continent, and even among the Anglo-Saxons when they had succeeded the Romans on the island, there was more of aristocracy, more of slavery, less of the jury system, less of *vox populi* than existed during the same ages among the Northmen, Danes and Jutes, and who, by their irruptions, settlements and temporary conquests, planted their institutions among the people of England. As an institutional or political term, Anglo-Gothic, Anglo-Norman or Anglo-Scandinavian, would either of them be more accurate than Anglo-Saxon.

The unanimity required in the verdicts of English and American juries was not required among the Gothic nations, where majorities rendered the verdict, except among the Normans after they went to Normandy in France, but was very probably borrowed from that other and quite different institution, the “wager of law,” by which the accused could acquit himself by procuring a certain number of men, selected by him-

self, to swear unanimously that he was not guilty, which generally meant that they did not believe he was guilty, a form of trial made more common among the Saxons than the jury, and was also known in Scandinavia, where it was not deemed so "lawful;" that is, not having so much of the force of a law as the verdict of a jury had.

In Sweden the jury exists to-day as it has for a thousand years or more. A verdict is given by one-half the jury, or any greater proportion, and the judge, or by a unanimous jury against the opinion of the judge, there being no verdict when a majority are opposed to a minority and the judge. From Norway the jury was carried by emigrants in the ninth and tenth centuries to Iceland, and by Rollo and his followers to Normandy. In the Sagas, the repositories of the history, the law, the tragedy, the poetry and the literature of the Icelandic republic, the freest and most cultivated community of the dark ages, there are *regularly reported trials* a century before Hastings was fought, and several centuries older than the oldest Year Book of English cases. In these curious and mixed records the summons of the jury, arraigning the accused or the defendant in a civil action, challenge of the panel, challenge for cause, the declaration, pleas, demurrers, non-suits, outlawry and shrewd objections to the competency of witnesses and of evidence, all distinctly appear, delivered orally by men learned and renowned in the land. The replication, the rejoinder, the *rebutter* and *sur-rebutter* do not appear, but enough is seen to indicate unmistakably where our system of common-law pleadings comes from. It is known that some of the neighboring provinces and cities in France borrowed their intricate but accurate pleadings from Normandy, while the Normans were learning to dress their own law and pleas in the rude French dialect of that province, the conquerors, as usual, imposing their own laws and learning a new language.

If the jury system of Scandinavia has not performed the pointed part which it occasionally has in England, as in the trial of the seven bishops and the prosecution of the publisher of the North Briton, No. 45, it has yet sown the seeds from which have sprung and been slowly developed all the most valuable of modern political institutions. In most of the states we have discarded the English custom of the judges "summing up," sometimes artful, sometimes insolent, generally fair, and seldom of any real service to justice. We could now consider whether absolute unanimity may not safely be dispensed with; whether, after all, the value of the jury is not mainly political and not judicial; whether it is not less a necessity in a perfectly free community than in one composed of the three orders; whether its functions have not in great part been discharged, and that in future it is to be simply a preservation and safeguard instead of a forming and guiding influence—that is, whether its future function is not conservative instead of progressive, and therefore whether we may not well limit its application to penal, criminal, and political causes and actions arising in tort, leaving all matters of account, contract, title, and estates to the courts.

I beg your pardon for the great length of this paper. Strict official duty did not require it; but in giving an account of an interesting question here, confessedly of a semi-political character, I was naturally led into some observations upon the origin and history, the uses and defects, of the jury system.

I am, sir, very respectfully, your obedient servant,

GEO. H. YEAMAN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Yeaman to Mr. Seward.

No. 135.]

LEGATION OF THE UNITED STATES,
Copenhagen, February 18, 1868.

SIR: I pursue in this dispatch a subject kindred to the one treated in my last. Since 1795 there has been in operation in Denmark a judicial institution of a peculiar and important character, some account of which must have an interest for those accustomed to study the administration of justice.

The bench and the bar of England and the United States have long ceased to accept our fabric of common law and equity as a perfect system of reason, or of justice based on reason, and have sought to enrich it, supply its defects, and mould it into a system at once symmetrical and plastic, by bringing to its aid the reasoning and the rules of other systems and codes, especially of the Roman civil law. While attention is now perhaps sufficiently awake to the importance of this, it is possible we have not derived that benefit which we might have obtained by studying more closely the judicial machinery also of other enlightened states.

The Danish institution to which I refer has given such entire satisfaction, has so thoroughly proved its value by its working and its results, that neither the government nor the people could now be persuaded to renounce it. Its name may best be translated, and its functions best described, in the English language by calling it the court of reconciliation. It is not arbitration and award, it is not simple accord, and it is not purely a judicial court, because the judgment rendered is always based on consent.

In Copenhagen, it is composed of one judge, who is a member or justice of the regular court of superior and appellate jurisdiction, and two assistants, generally members of the city government or administration. In the provinces or country districts, it is composed of the judge of the regular court of superior jurisdiction, and two assistants who are non-professional citizens. Before this tribunal, thus composed, every cause, great or small, every complaint upon which a civil action may be based, is required to be brought and heard before any litigation, properly so called, can be had upon it in the regular courts of justice of compulsory jurisdiction. Those courts have no power to hear and determine, and, the objection being made, will dismiss any action, unless it appears that the cause has been heard in the court of reconciliation, and that the advice there given has not resulted in an understanding or a judgment by consent.

The substance of the proceeding is that the complaining party lodges a plain, untechnical statement of his complaint in the court of reconciliation, where both parties are then required to appear at an early day, in person and without counsel, and generally without witnesses, though when deemed necessary witnesses are heard. I am not familiar with the process of procuring the attendance of the defendant or party complained of, nor if his attendance is discretionary, with the full effect of his willful absence after notice or citation. But the disadvantage of having the cause heard in his absence and stated by the adverse party only, and the certainty that the complainant would at least be allowed to litigate the case in the courts of compulsory jurisdiction, seem amply sufficient to secure attendance.

In court, face to face, the parties state their own cause, and are also questioned by the judge so far as he thinks necessary. This generally

closes the examination of the case, but the court can allow or require witnesses to be called. The court having thus acquired the facts as far as agreed upon, and the statement of each party upon disputed matters, as well as other evidence when it is deemed requisite, the judge carefully explains to the parties the law which he thinks applicable to the case, and explains what he deems the strict legal right; and then the whole court, upon the whole case, legal and moral, make such suggestions, and give to the parties such advice, as is deemed appropriate in the premises. Having heard this advice, it is entirely optional with the parties to adopt it or not. They may adopt it exactly as given, or they may reject it entirely and come to no agreement; or they may come to an agreement entirely of their own making, or to one based in part on the views of the court and in part upon their own conclusions. If no agreement or reconciliation is reached, that fact is announced and noted of record, and the parties go their way, with perfect liberty to abandon the matter or to put it in course of regular litigation. But if an agreement is had, that agreement, whether it be that the matter is reconciled and abandoned, or that one party recovers of the other, is entered as the judgment of the court, is final, and is in all respects as binding and efficient as the judgment of any other court. Execution may go upon it, and it may be pleaded in complete bar of any other or further proceedings for the same complaint or cause of action.

The theoretical criticisms which can be made, from the common law point of view, upon a tribunal thus organized, are sufficiently apparent. Besides these there is another objection which, relating only to the organization of the court, would be easily remedied; that is, that the judge who presides over the court of reconciliation ought not to be the judge or a member of the court of coercive justice, before which the matter may be afterwards litigated, as he might carry into the hearing there some feeling of stringency, if not of harshness, against a party who, in the judge's opinion, may have perversely or in bad temper resisted all efforts to adjust the matter in dispute in accordance with the advice of the court of reconciliation. But all theoretical criticism seems unavailing in the presence of the facts, in view of the practical operation of the court and of the universal satisfaction which it has given. It has in a wonderful degree simplified the adjustment of disputes, lessened litigation and lessened the cost, both in time and money, of the administration of justice, while its judgments are felt to be as satisfactory in the main as those reached after the most tedious and costly litigation. The most astonishing feature of its operation is the number of judgments, in proportion to the whole number of cases heard, which the court renders.

The Foreign Office has furnished me with a tabular statement, herewith inclosed, of the statistics of this court from the year 1860 to 1864, inclusive. By reference to section No 1 of this statement, it will be seen that the total number of appearances or causes presented to the court throughout Denmark for the five years named was 183,628: of which were reconciled and adjudged 123,897; postponed, or continued for further hearing, 2,544; permission given for further and formal litigation in other courts, 57,187; actually litigated, 25,967. Thus only about one-seventh of the disputes arising in the kingdom being finally and formally litigated in the courts of law. These statistics, when compared with our own mode of litigation, may be in some degree misleading. It is quite possible that parties may often take before this friendly, expeditious, and inexpensive tribunal disputes which in its absence they would not venture or would not care to litigate, just as good legal advice and friendly offices sometimes prevent litigation in other countries. Yet there is

enough in these figures to excite the curiosity and even the admiration of jurists and statesmen. By examining the numbers, which are given separately for each of the five years named, it will be found that while the whole number of cases brought to the courts of reconciliation is decreasing, the proportion determined there is increasing; this proportion is always considerably over half of the whole number heard, while of the number which, by the result in this court, may be further and regularly litigated, considerably less than half are actually so litigated. These results are more than satisfactory. They are a serious and important lesson to other peoples.

Section 6 of the same table gives the statistics of this court for the Danish West Indies for the same years, from which it will be seen that the number of cases in those dependencies was 2,408: reconciled and adjudged, 1,700; permitted to go to further suit, 708; of these last were actually litigated, 281.

These figures, showing the operation of the institution in a remote and isolated part of the kingdom, with a population almost entirely different, while giving results slightly more favorable even than in Denmark proper, give the same general showing, and very nearly in the same proportions, which would seem to indicate that there is something in the working of the system which would everywhere tend to produce the same general results.

I am, sir, very respectfully, your obedient servant,

GEO. H. YEAMAN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Yeaman to Mr. Seward.

[Extract.]

No. 136.]

LEGATION OF THE UNITED STATES,
Copenhagen, March 6, 1868.

SIR: I have the honor to acknowledge the receipt of your dispatches to No. 81, of the 18th February, inclusive.

Touching political affairs here, very lively interest and discussion have been excited by a proposed law amending the organization of the established church. By constitutional recognition the Lutheran is the established church, and the constitution or organization of this national church is required to be regulated by law. But liberty of dissent is complete, and every citizen has the right to unite with any society or communion for divine worship, according to his own conviction, subject only to the restriction that their doctrines are not contrary to good morals and public order.

The clergymen of the several parishes and congregations of the Lutheran church are appointed by the authority and under the superintendence of government. The principal feature of the change now proposed is, that whenever in any parish 20 or more families unite in the desire to select their own pastor and of themselves form a congregation for religious worship and teaching, they may do so, but without thereby dissolving their connection with the Lutheran or established church, and may continue, as constituent parts of that church, to be entitled to all the rights and privileges, civil and ecclesiastical, of its membership.

This has given rise to very animated discussions among the people, who are divided upon it, about as would be natural to expect, viewing

it in its political aspects; among the bishops, who are nearly all opposed to it; by the public press, which is nearly unanimous for it; and in the Rigsdag, where it has passed the Folkething by a large majority, and where it meets with very great opposition on the Landsthing.

The cabinet are united in its support, not so much, I think, on account of the importance they attach to it, as on account of the belief that it is harmless if not advantageous, and that making this concession now may prevent further agitation and other demands much more serious. It has been, so far, made a ministerial measure, and therefore a cabinet question, that the continuance in office of the present ministry appeared to depend in a large measure, if not directly, upon the adoption or rejection of the law by the Landsthing. But recently the minister of religion and instruction, under whose special charge the measure falls, has, owing to his very feeble health, tendered his resignation, which the King will probably accept, and then the matter will not likely be further urged until the selection and nomination of another minister of similar views. * * * * *

I am, sir, very respectfully, your obedient servant,

GEO. H. YEAMAN.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Yeaman to Mr. Seward.

No. 140.]

LEGATION OF THE UNITED STATES,

Copenhagen, April 6, 1868.

SIR: Captain T. Morris Chester, the corresponding secretary of the Garnet League "for the education and religious elevation of the freedmen," has recently visited Copenhagen in the prosecution of his agency in soliciting pecuniary aid for the accomplishment of that humane and commendable object. He has heretofore visited England, Russia, Holland, and Hamburg, for the same purpose, and with encouraging success. Such efforts have no relation to the government, and very little to the duty of its diplomatic agents abroad, their action in the matter being more an affair of disposition and choice than of official duty. But I take pleasure in noting the fact that he has been received in Denmark with distinguished kindness and liberality by the people, by the chief officials of the government, and by the King, who accorded him a very friendly and interesting audience. And this favorable reception here was not merely or entirely personal to him, as an intelligent and cultivated man, as the representative in blood and race of a people still laboring under the effects of their late condition, but it has also been the expression of a very lively interest in the labor to which he devotes himself. He has, in this community, reflected credit upon the people from whom he is sprung and whose cause he pleads, and his visit has brought to view in this capital a kind and enlightened interest in their development and elevation. That such views should so rapidly attain throughout the most civilized parts of the world must be as pleasing to the government of the United States as it is encouraging to a newly emancipated people.

I am, sir, very respectfully, your obedient servant,

GEO. H. YEAMAN.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Yeaman to Mr. Seward.

[Extract.]

No. 143.]

LEGATION OF THE UNITED STATES,
Copenhagen, April 29, 1868.

SIR: On the 22d instant Count Frijs, president of the council and minister for foreign affairs, indicated definitively to the Landsting that the cabinet would feel bound to offer their resignation in the event of the rejection of the ecclesiastical law, of which I gave an account in my No. 136, of the 6th March; and for several days it seemed very doubtful what the result would be, and seemed probable that the law could pass only by the silence or absence of some of its opponents. Now, however, an amendment of the law has been agreed to in the Landsting which partially satisfies both parties—at least is accepted as a compromise—and which the opposition prefer to a dissolution of the cabinet, by which the right is not made absolute for 20 families to organize a congregation for worship, and to select their own pastor, but the power is vested in government to grant such privilege at its discretion, on application being made. This, for the present, settles the controversy in the Landsting; but the amendment makes it necessary that the law shall go back for approval, in this amended form, by the Folkething. Should this approval be obtained, of which there seems at present but little doubt, all immediate anxiety on account of a dissolution of the present government will be relieved.

Some weeks ago the King was petitioned by several of the most prominent members of the Folkething to consolidate the two ministries of war and marine, placing them both under the direction of one minister, by which it was claimed the management of the army and navy would be more economical, more harmonious, and more energetic. The scheme was indorsed by a vote of the Folkething, but up to this time the King has taken no action upon it. I am satisfied, indeed I may state, that the cabinet do not favor the measure; and as they have probably expressed this opinion or advice to the King, it may be predicted that he will not grant the prayer of the petitioners.

* * * * *

I am, sir, very respectfully, your obedient servant,

GEO. H. YEAMAN.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Yeaman to Mr. Seward.

No. 161.]

LEGATION OF THE UNITED STATES,
Copenhagen, August 24, 1868.

SIR: By the treaty of Vienna, terminating the duchy war of 1863-'64 between Denmark and Germany, and by the provisions of which Schleswig and Holstein were ceded to Prussia and Austria, it was stipulated that they should pay to Denmark an amount equal to that proportion of the Danish public debt which should be to the whole debt as the two duchies were to the whole kingdom of Denmark before the war. The amount was to be ascertained by commissioners, who afterwards stated it at 29,000,000 rigsdalers. When by the treaty of Prague Austria ceded

her interest in the duchies to Prussia, the duty of performing this stipulation of the treaty of Vienna naturally devolved on Prussia. Accordingly the payment of the whole amount of 29,000,000 has recently been completed, having been heretofore partially effected. The payment was made principally in two forms: in Russian four per cent. stocks, and in such securities representing the Danish debt as were found in the hands of charitable, educational, and monetary institutions in the two duchies, and for which Prussia substituted her own securities—the policy of this measure being, no doubt, to identify the interests of the duchies more perfectly with Prussia. The payment to Denmark has been made without reference to other questions pending between the two governments, and has no relation to any further steps in the negotiation about the fulfillment of the fifth article of the treaty of Prague, providing for a vote of the people of North Schleswig to ascertain whether they would remain with Prussia or return to Denmark.

I am, sir, very respectfully, your obedient servant,

GEO. H. YEAMAN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Yeaman to Mr. Seward.

No. 174.]

LEGATION OF THE UNITED STATES,
Copenhagen, October 23, 1868.

SIR: Yesterday the Rigsdag voted an address in response to and in harmony with the King's speech at the opening of that body. In the Landsting, or upper chamber, the vote was unanimous. In the Folkesting, or lower house, it was moved to amend so as simply to congratulate the King on the betrothal of the crown prince with the princess of Sweden, without expressing any expectation of great and beneficial results from this union of the two royal families; and also, in reference to the matter of North Schleswig and the treaty of Prague, to avoid the use of the word hope or its equivalent, and simply to express a desire or wish for auspicious results, without expressing or relinquishing any expectation thereof. These amendments were rejected by a vote of two to one, so that the address, as voted and presented, is in perfect accord with the royal speech. Viewing the speech as the result of ministerial advice and consultation, this action of the Rigsdag may be taken as proof of present entire harmony between the cabinet and the representatives of the people.

I am, sir, very respectfully, your obedient servant,

GEO. H. YEAMAN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Yeaman to Mr. Seward.

[Extract.]

No. 175.]

LEGATION OF THE UNITED STATES,
Copenhagen, November 28, 1868.

SIR: * * * There has been, for some weeks past, an unusual dearth here in political and diplomatic matter of interest to

other governments, political discussions having turned almost exclusively upon internal and domestic affairs.

One of the matters which have attracted public attention here, and elicited some feeling, is a proposed amendment of the military organization seeking the abolition of the exemption from military service heretofore extended to clergymen, and requiring them to serve, as all others are now required to do, absolutely for a given length of time; the right of substitution having heretofore been abolished.

This amendment, thus affecting the clergy, is favored in the Folkething and opposed in the Landsting—votes already taken having developed so marked a discordance of opinion that it seems probable the law can only be passed, if at all, in some modified form, to be accepted by both houses as a compromise.

The measure is advocated and urged by what is known here as the agricultural party, their representatives in the Rigsdag being sometimes familiarly spoken of as the "peasants," and with us would be called small farmers. Indeed, peasants, properly so called, and as known in the past, can hardly be said to exist any longer in this kingdom.

Rigid as the proposed law may appear, it has its hopeful aspect, and its humane as well as its political and military significance. The exemption of the clergy from military service could only be abolished because such service being deemed onerous and unpleasant, as the duty to render it is deemed of universal obligation, the exemption is found to be a special favor and benefit, and war being both disagreeable and onerous, such favor or benefit derived from the exemption is deemed an inequality. In other words, war, if sometimes a duty, is always a hardship, and exemption from it is considered as valuable and as unequal as any other special privileges, or as the exemption from any other dangerous and disagreeable thing would be.

Thus the proposal of such a law, while bearing upon its face the appearance of a most stringent military measure, may at bottom indicate a growing distaste and disinclination for war, and may be one of the many indirect forms in which that humane aversion is now manifesting itself in many parts of the world. The character, habits, interests, and instincts of the party urging the measure here would seem to support this view as to one of its meanings. Its local political indication is made greater by the fact that the church is a government establishment, though Protestant, and the clergymen are practically commissioned government officers.

I am, sir, very respectfully, your obedient servant,

GEO. H. YEAMAN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

PORTUGAL.

Mr. Munro to Mr. Sevard.

No. 458.]

LEGATION OF THE UNITED STATES,
Lisbon, January 3, 1868.

SIR: The ordinary session of the Cortes was opened yesterday by the president of the council of ministers, in the name of the King, who at the last moment determined on not going in person, as had been publicly announced.

No royal address was delivered, although such a document is said to have been prepared, and the ceremony was confined to the reading of a royal decree declaring the session as duly opened.

The fact was known yesterday, and the official paper contains the announcement to-day that the whole cabinet has resigned, the Duke of Loulé, formerly president of the council, having been charged with the formation of a new ministry.

The late cabinet had created great dissatisfaction among the whole population, by endeavoring to put into execution certain laws levying new taxes on articles of daily and indispensable consumption among the poorer classes, such as wine, bread, meat, rice, &c., and great opposition was made by the populations of Lisbon and Oporto especially.

In the latter town great agitation prevailed, and all the shop-keepers subject to the new tax, which commenced to be enforced on the 1st instant, shut up their stores, and obstinately and passively refused to give in any declarations for levying the tax.

In Lisbon mass meetings have taken place; the troops were called out, and in some instances, while trying to stop several deputations from going to the royal palace, charged the people, causing several casualties. It appears certain that the late ministry intended to advise the King to adjourn the Cortes till the end of February, a measure which was to have been carried into effect yesterday, after the reading of the royal address at the Cortes; but his Majesty, being well aware of the agitation in the country, refused to adopt this measure, and the cabinet resigned.

The town is still in a considerable state of ferment; the garrison is under arms in quarters, and the streets are being patrolled by mounted police, and until a new cabinet be formed and of such a nature as to insure the desired change in the obnoxious laws, the present excitement will not probably subside.

I shall have the honor of communicating any new event on this subject, the probability being that the Duke of Loulé will not succeed in forming a suitable cabinet, and either the Marquis de Sa'du Bandeira or Count d'Avila may eventually be called upon to reorganize the situation.

I have the honor to remain, very respectfully, sir, your most obedient servant,

C. A. MUNRO.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Munro to Mr. Seward.

[Extract.]

No. 459.]

LEGATION OF THE UNITED STATES,

Lisbon, January 8, 1868.

SIR: In my dispatch No. 458, of 3d instant, I had the honor of informing the department of the resignation of the cabinet in view of the general discontentment in the country, and the extraordinary fact of a ministry resigning office with a large majority in the Parliament, and when carrying into execution some of the laws voted by the Cortes.

The Duke de Loulé and Marquis de Sa'du Brandeira, having both, although applied to, formally refused to form a cabinet, the Count d'Avila, who was Portuguese minister at Madrid, and has before acted as minister, undertook and succeeded informing a ministry on the 4th instant. * * * * *

The new cabinet presented themselves at the two houses of Parliament yesterday for the first time, and the president of council, in the name of his colleagues, declared that they would immediately propose certain modifications in the law of administrative division and the working of the law on articles of consumption, both which have been the immediate cause of general agitation.

For the present the country is quiet, and the popular political associations await, with a certain amount of reserve, the acts of the new ministry.

It is believed that, should the new cabinet not count upon a favorable vote in the Cortes to carry out their proposed measures, recourse will be had to a dissolution of the House of Deputies, and an appeal to a new general election, and such an event is more than likely to happen, as it is not to be expected that the present representatives will now be inclined to recant the laws which they voted by large majority but six or eight months back.

I have the honor to remain, very respectfully, sir, your most obedient servant,

C. A. MUNRO.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Munro to Mr. Seward.

No. 463.]

LEGATION OF THE UNITED STATES,

Lisbon, February 13, 1868.

SIR: The government of Portugal has entered into a contract with E. Meddlecot and Thomas Rumball, the former a respectable merchant long established in Lisbon, and the latter a civil engineer, for the laying down of a submarine telegraphic cable from Falmouth to Oporto, thence to one of the Azores, and finally to the coast of America, at a point not yet fixed on.

The decree of concession is dated on the 28th January last, and within eight months the plans of the lines and respective stations are to be delivered in; the government is then allowed two months for examination and approval, and two years are then granted to complete the lines to the Portuguese ports, with two years more to bring the American continent into connection.

The period of concession will be fixed by the Cortes, and rates or tariff of prices for telegrams are not to exceed the present rates of telegrams between this country and Great Britain, in proportion.

The government will, at its own expense, connect Lisbon with the station at Oporto, and is to receive a tax or bonus of one per cent. on the net proceeds of the traffic.

Although the point on the American coast where the proposed line is to be established is not yet fixed, still I consider this enterprise of sufficient importance to give the department all the information on the subject which is at present known, and I shall have the honor to transmit any and every other fact connected therewith which may transpire.

I have the honor to remain, very respectfully, sir, your most obedient servant,

C. A. MUNRO.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Munro to Mr. Seward.

No. 467.]

LEGATION OF THE UNITED STATES,
Lisbon, March 24, 1868.

SIR: The general election for a new Chamber of Deputies took place on the 22d instant, as previously ordained by public decree, and the result thereof, as now ascertained, gives an immense majority of voters to the existing cabinet; and notwithstanding that, owing to the late excitement in the country, some disturbances were expected, the general result passed off without any important breach of order, and thus confirming the general aversion to the politics of the cabinet which preceded the present councillors of the Crown.

The finances of the country are still, however, in a very embarrassed condition, and recourse must eventually and naturally be had to increased taxes, in order to diminish as much as possible an enormous deficit in the public budget, and at the same time to provide for the running expenses.

The country is laboring under great distress, and the general appearance of the growing crops is very alarming, owing to a long drought; last year's crops were likewise very short, and the consequence is that much distress is being felt in the provinces; labor is becoming scarce, and government, for want of sufficient means, cannot employ the numerous bands of wandering laborers by applying them to public works in sufficient numbers to allay this serious state of things.

It will, therefore, be a difficult matter to demand increased taxes of an impoverished population, who but a few months ago got in arms to abolish a law of taxes, and were led to believe that by putting down that law no more taxes were to be expected of them.

The present government have a difficult task before them, and the measures which they propose bringing before the Cortes on their approaching session will tend to show how far they may be expected to succeed in extricating themselves from their present difficulties without danger to the peace and quiet of the country.

I have the honor to remain, very respectfully, sir, your most obedient servant,

C. A. MUNRO.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Munro to Mr. Seward.

No. 471.]

LEGATION OF THE UNITED STATES,
Lisbon, April 17, 1868.

SIR: In my dispatch No. 467, of March 24, I had the honor of alluding to the trouble caused to the government of this country by the large number of operatives out of work, and much annoyance has been created in the town of Lisbon by demonstrations got up by certain parties here, who, under the guise of sympathy for the distressed workmen, have tried to induce disorder and confusion, causing a good deal of agitation and alarm among the population of this town. On Sunday, the 12th instant, a public political club, whose chiefs and directors have not hesitated in openly discussing the propriety of calling for a change in the ruling charter, in adopting the so-called constitution of 1838, which establishes the national guard, and insuring more extended popular liberties, got up a demonstration by collecting a mob of so-called operatives out of work, who were led to the department of the interior, and being admitted to the respective secretary of state, vociferously and in a menacing manner demanded work and relief. The military and police were called out, and about 20 of the ringleaders were arrested. The remainder broke up into small bands, and on that and the next day began demanding, and in some cases enforcing, alms from shopkeepers, the banks, and principal private banking houses. These proceedings naturally alarmed the population, as in some cases threats were not spared that forcible means would be had recourse to for obtaining relief. For a couple of days all business was stopped, stores and offices were shut up, and were it not for the energetic and efficient measures adopted by the government, serious consequences might have resulted. For the present order appears to have been established, but the government has thought proper to convene the Cortes at once, instead of waiting for the day previously fixed on, the 27th instant, and on the 15th his Majesty the King opened the session in person. I have the honor of inclosing a translation of his Majesty's speech on the occasion.

The circumstances alluded to therein, of her Majesty the Queen's departure for Italy, took place on the 12th instant. Besides intending to be present at the marriage ceremony of her brother, it is believed that her Majesty's health requires her temporary absence abroad.

I have the honor to remain, very respectfully, sir, your most obedient servant,

C. A. MUNRO.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Most worthy peers of the realm and messieurs deputies of the Portuguese nation:

It is always with great pleasure that I comply with the duty imposed on me by the constitutional charter of the monarchy by coming in person to open the legislative session, and to find myself in the midst of the representatives of the nation.

In virtue of an invitation from my august father-in-law, her Majesty, my esteemed spouse, has departed for Italy, there to be present at a family ceremony which is to be attended by all the princes of the royal house of Savoy.

I feel assured that the Queen's visit will afford an efficient means of binding in a still closer manner the relations of friendship now existing between the two countries, and that her Majesty's return to the kingdom will not be long delayed.

The amicable relations between my government and all foreign powers continue to exist in an unaltered form.

The extraordinary circumstances which supervened at the commencement of the year obliged me to consult the national suffrage, which responded to my appeal in complete tranquillity, at the same time that they induced my government to adopt certain meas-

ures which were beyond the ordinary limits of executive power, but urgently called for by the exigency of the moment.

I feel convinced that, in taking cognizance of these acts, you will discuss them with that impartial spirit which your enlightened judgment will naturally suggest. I consider it my duty to direct your care and attention to public instruction, especially primary education, to high roads and locomotion, and to the army and public force in general, which by its discipline and obedience has proved itself a sure guarantee of tranquillity; but, among all the subjects of public administration, the question of our finances is doubtless that which ought more particularly to call for your attention.

The secretary of the treasury will lay before you the budget of public receipts and expenditures, accompanied by a faithful account of the state of the treasury, together with the necessary proposals for an efficient administration and recovery of the revenue, for the improvement of the public credit, and for the organizing of the state finances.

Most worthy peers of the realm and messieurs deputies of the Portuguese nation, the noble mission which you are called upon to develop is worthy of you and of the confidence which the nation and I intrust to your care.

The aspirations of our country, my earnest hope and cordial desires, are that you may fully realize this confidence.

The session is opened

Mr. Munro to Mr. Seward.

No. 480.]

LEGATION OF THE UNITED STATES,

Lisbon, July 21, 1868.

SIR: On the 13th instant the president of the council of ministers, Count d'Avila, with all his colleagues, resigned office, owing to the rejection by the council of state of certain ministerial proposals to adjourn the Cortes to November next, when opposition was anticipated to some of the financial measures, it being intended in the interval to assume discretionary or dictatorial powers, and to enforce these measures as laws, and counting on a bill of indemnity from the proposed adjourned session. Although in the voting of some less important measures lately proposed by the cabinet the Cortes showed a majority in favor of government, it would still appear that this majority could not well be counted on for carrying through the more important laws to be submitted to their consideration, and which formed an essential part of the ministerial programme.

His Majesty the King forthwith accepted the proposed resignation, and called upon the Duke de Loulé to form a new administration. After three or four days' consultation with his political friends, the duke found it impossible, under existing circumstances, to make up a cabinet, and resigned the appointment; and up to this moment, although several other eminent men who have before been at the head of the administration have been called upon, no ministry has been organized.

Although the country is enjoying tranquillity, still, as alluded to in some of my previous dispatches, it is feared that great opposition will certainly be brought forward against any laws for increased taxation. Besides a floating debt of about \$13,000,000, the public budget for the year 1868-'69 shows a deficit of nearly \$7,000,000 on a total amount for expenditure of about \$24,000,000.

The financial position of the country is therefore precarious; and although property in this country is not taxed too high and might easily bear a higher rate, still, unfortunately, the distribution of such taxes is made with a good deal of partiality; the large landed proprietors who, in the provinces, have much local influence at election times, are made to pay little or nothing, whereas the poorer and less influential part of the population bears all the burden, and is sued and distressed for their proportion, whilst they see their powerful neighbors free

of vexation or trouble on this head. It is asserted by a respectable local paper, and has not hitherto been officially denied, that the amount of taxes uncalled for by the authorities, and which may be said to represent the allowance for electioneering services, is over \$4,000,000.

It would certainly require great moral courage for a cabinet of well-intentioned individuals to face and reorganize such a state of things, and no doubt this has been one of the many difficulties in finding proper parties to form the new cabinet.

The administration under Count d'Avila has not fallen under the opposition of the chambers; to the contrary, they have hitherto had a majority in their favor; consequently the opposition, not sufficiently powerful or important as a party to come forward, cannot be called upon, nor is it possessed of any programme or system, to assume the government of the country. It is hazardous, therefore, to foretell in what manner the country will resolve the problem, and this extraordinary state of suspense is beginning to cause alarm among the well-disposed part of the community.

In the neighboring country, Spain, great agitation seems to prevail; many of the most distinguished generals and eminent statesmen have been quite lately sent out of the country on a very short notice. The Queen of Spain's sister, the Duchess de Montpensier, with her husband the duke, who have for many years lived unostentatiously near Cadiz, were sent out of the country at a few hours' notice, and a Spanish frigate of war was placed at their disposal forthwith, and they entered the Tagus on the 17th instant. These distinguished parties, friends and related by family ties to the King of Portugal, continue to live on board the Spanish ship which brought them, as some of the representatives here of foreign powers have tried to represent to the King the difficulty of publicly or officially receiving these princes *as such*, when they have been banished from their own country. It is certain that, although they come on shore every day in a private manner, they return every evening to their ship; but it is supposed that, notwithstanding the opposition of the parties above alluded to, they will eventually be allowed to land, as Portugal, having always adopted an enlightened and liberal policy towards all foreigners who seek an asylum within its boundaries, without regard to their political creeds, will no doubt in this instance adopt the same measures which have been put in practice towards subjects of the same dynasty. It is not accurately known, here at least, what reasons existed for the prompt and severe measures recently carried out so energetically by the government of Spain; but that the conspiracy, if such existed, was planned on a large scale, and eventually would affect Portugal, is not to be doubted, and I have good reasons to know that the Portuguese government was, in a telegraphic communication from the cabinet of St. James, asked what position they proposed assuming, on view of the politic crisis in the Spanish peninsula; and that Great Britain, as one of the heaviest creditors of Portugal in the way of the large amount of Portuguese bonds and scrip held by Englishmen, and further, as one of its oldest allies, cannot and will not allow Portugal to lose any part of its territory.

Under all these circumstances it is, therefore, all important that the individuals forming the King's councillors should be men of patriotic feelings, enlightened principles, and firm resolution.

I have the honor to remain, very respectfully, sir, your most obedient servant,

C. A. MUNRO.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Harrey to Mr. Neward.

No. 484.]

LEGATION OF THE UNITED STATES,
Lisbon, September 1, 1868.

SIR: The Cortes have adjourned, after a protracted session, until January next, which necessarily insures the existence of the present ministry until that time, unless some unexpected event should happen. What may occur after the re-assembling of the chambers is difficult to predict. The House of Deputies were chosen upon an appeal to the country by means of dissolution, by one of the late predecessors of the actual president of the council, and although they sustained the principal measures of his ministry, they may or may not be reliable when new and more urgent tests shall be applied.

In truth, there is a spirit of restlessness and discontent throughout this whole peninsula, which seems to be the culmination of that dissatisfaction which has been described in my dispatches during the last three or four years particularly. What may be called a chronic disease is evidently approaching its crisis. The expedients and alteratives of the past are unequal to the grave and pressing phase of an old and obstinate disorder, which has been growing from bad to worse, and which unskillful treatment has only served to aggravate.

Three ministries have succeeded each other here in almost as many months, and a fourth can be included in less than a single year. One of them succeeded in electing a chamber of deputies after its own idea, and in an exceptional manner. Yet, when brought face to face with the "situation," it had to give way, to be followed by another, whose existence was numbered by days, which in turn yielded power to that which is now making the experiment of extricating the government from most serious embarrassments.

But there is large debt and increasing deficits to be confronted. They involve augmented taxes, and taxation, which has touched many tender points already, is here, as elsewhere, a most delicate task for any government that may have the responsibility of imposing it. The people may be told, and perhaps with literal truth, that the *per capita* is less in Portugal than in most other states of Europe, but they are not told at the same time that the ratio of productive industry is correspondingly less also.

Arguments, however well conceived, do not diminish public burdens; and when men who live by ill-requited labor find the necessities of life taxed beyond former experience, they do not seek for consolation in the logic which strives to prove that Portugal is more favored in this respect than various other nations.

The great obstacle to any substantial relief has been the failure to meet the real question, which must be met sooner or later. All the policy has been temporising, directed to the exigencies of the day, without seeing that the sacrifices required for the time being only accumulate the difficulties to be adjusted in the near future. Ministries cannot expect to stand which promise impossibilities.

It is clear to all observing minds that if the system of taxation here was properly re-organized, and then fairly executed, the burdens which now press most irksomely would be diminished, and abundant means would be provided for the wants of the country. The mass of the population feel that they are made to bear an undue proportion of the load, and that the great landed proprietors are a favored class, who by their fortunes and influence so shape legislation and the administration of

the laws as to protect their own interests. Hence the bad spirit exhibited on several recent occasions, among a people naturally docile, patient, and tolerant, but who when roused are determined, brave, and persistent in purpose.

The events which appear to be imminent in Spain have, as might be expected, produced effect here. The same natural boundaries are common to both countries. The same chain of mountains and the same noble river mark the lines of separation between the respective territories. The languages, though entirely distinct, spring from a common origin, and are reciprocally understood. But the two peoples are entirely different in character, with the advantage greatly on the side of the Portuguese.

As I have tried to explain heretofore, the parties in this country may be said to be divided between the liberal and the more liberal, each contending for the palm of progressive liberalism as understood in Europe—in other words, constitutional government in the broad sense, the sovereign being more titular than substantial, and the governing power residing in the popular branch of the legislature. Portugal obtained this proud position, which, considering the means of education, is second to no other European power, in the hard school of civil war, from which she emerged impoverished, but enlightened and emancipated.

Spain passed through long and bloody trials without attaining the same result. Military chiefs contended for ascendancy which brought no advantage to the country, no matter which side triumphed. At length a movement is started, which seems to strike deeper than ever before, and to enlist the popular sympathy. It is not my province to comment upon that demonstration, except in so far as it may affect Portugal.

A suggestion has been thrown out, perhaps as a means of political diversion, that it might become desirable for Spain to attempt to recover the foothold which she lost in this country several hundred years ago.

The bare mention of such a proposition excited general indignation throughout this kingdom, especially as the policy of the two governments of late years has been professedly most friendly towards the independence of each other; and indeed it was believed that peculiar relations had been established between them under a recent ministry, when the Queen of Spain came to visit this court.

The advanced ideas of Portugal and its liberal politics have been urged as an example on the one hand, and as a reproach on the other, by a certain party in Spain, which has provoked not only the antagonism of the other, but the rash menaces referred to. I have never been able to realize any probability of Portugal being united to Spain by compulsion, while the possibility of an Iberian union or nation with one government has not appeared altogether improbable.

It would be hazardous to say who, in such a contingency, might become the ruler; but we are not left in doubt as to some of the expectations which are entertained if that event should soon come to pass.

I have the honor to be, sir, your obedient servant,

JAMES E. HARVEY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

SWEDEN AND NORWAY.

Mr. Bartlett to Mr. Seward.

No. 11.]

LEGATION OF THE UNITED STATES,
Stockholm, February 3, 1868.

SIR: The two chambers of the Diet of this government met on the 17th ultimo, at the grand hall of the palace, to be formally opened by an address from the throne. The members of the diplomatic corps were present by invitation, and every courtesy extended to them.

The address, of which enclosure No. 1 is a copy, and No. 2 a translation, was read by the King. It presents no remarkable feature to be commented upon, unless it be perhaps the acknowledgment of an extreme solicitude on the part of the government to perfect its armament by means of the latest improved breech-loading rifles, which were obtained from the United States, and to put the country generally in a better state of defense. This, as stated by the address, was rendered necessary by the increase of the armed forces in nearly all the countries of Europe.

The destitution in the north of Sweden, spoken of in the address, is very severe, yet everything has been done for the sufferers that it is possible to do, until navigation opens. The people of several of the contiguous countries sent contributions which reached the distressed district before the close of navigation, and the south of Sweden have responded nobly to the cry for relief. The government sent ships with supplies, which were first taken to the extreme northern ports and distributed as the ice drove them southward. A full knowledge of the extent of the famine did not reach me until it was too late for any relief to come from the full granaries of our country. Next spring, however, much good could be rendered them by the sympathizing benevolence of our countrymen. Yet I doubt very much if Sweden is not as able to take care of its own poor as any of the countries of Europe. This famine being confined to a single district of the kingdom, from loss of three consecutive crops, is brought more immediately, in all its terrible details, to the notice of the world than as though the suffering were general throughout an entire country. Therefore, while we sympathize with the poverty here, we overlook an equal amount at present existing in almost every country in Europe.

Sweden, with its rich agricultural south, and vast northern mineral resources, under an enterprising development which has recently inspired capitalists and laborers to greater exertions, is able to sustain three times its present number of inhabitants.

There is a noticeable increase of liberal sentiment evinced by a large, and perhaps the controlling political party of the country, which if carried very much further in the direction of democracy, will soon leave but the shadow of past royal prerogatives for the throne, and make the line of demarcation between a monarchical and republican form of government so dim as to be inconsistent with either.

In diplomatic circles, the difference between our government and England, arising from the Alabama and other claims, is often the subject of conversation. There is but one expression, which is, that Eng-

land would not be justified in jeopardizing the political and commercial interests of the whole world by refusing an indemnity, which, in their several opinions, our government has more or less right to demand. The payment of our claims is considered vastly disproportionate to the terrible consequences of a war between the two countries. The English minister at this court is not an exception to this general expression of opinion, but freely admits that his government had better pay at once and allay the agitation which daily widens the breach between the two countries.

I have the honor to be, sir, with great respect, your obedient servant,
JOSEPH J. BARTLETT.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Translation.]

SPEECH OF HIS MAJESTY THE KING, AT THE OPENING OF THE DIET, JANUARY 17, 1868.

I highly appreciate, at this moment, the provision finally introduced into the fundamental law, by which, without the delays established thus far, I find you again reassembled about me, to participate with me in proper measures to insure the welfare of the country.

My relations with all foreign powers continue to be satisfactory, and marked with sincere friendship. The general political situation, and the zeal shown in nearly all the countries of Europe to increase their armed forces, imposes equally upon us the duty to organize our means of defense conformably with the necessities of the times.

The multiplicity and constantly increasing administrative business demands a more suitable distribution of matters to be referred to the council, especially if we would arrive at a desired simplification of preparatory work in subordinate departments. Consequently, I have resolved to propose to you a change in the constitutional statute, by means of which may be instituted, with other prescriptions relating thereto, a new ministerial department for agriculture, manufactures, and public works.

The joint committee named for the revision of the compact of union between Sweden and Norway has handed me its important work, and the project is at present the subject of important preparatory deliberations.

A very limited crop, absolutely insufficient in the northern provinces of the kingdom, has produced a considerable increase in the price of the first necessities of life, threatening the very existence of the poor population. By employing the funds you placed at my disposal, I have endeavored to aid them; and private benevolence, not only at home but from kindred peoples, as well as from foreign countries, has promptly and generously been offered for the relief of this unfortunate population.

In spite of the difficulties which unforeseen expenditures and the diminution of revenue, resulting from the dearness of subsistence, could not fail to produce, the general situation of finances, however, permits us to renounce, commencing with next year, the special tax, which at the last Diet you voted for, arming our military forces, without any increase of other tax being necessary to satisfy the necessities of the government.

The underestimate which, on account of the circumstance I have just mentioned, could not be avoided, for the present year will be supplied, partially, by funds in hand, and might have been fully, if the excesses of preceding years had not been absorbed by their use in railway constructions—sums exceeding the total of loans made for this object.

I have been unceasing in my active solicitude for the organization of our means of defense, and I hope to be able, in the course of this session, to communicate to you a plan upon which, I think, they should be based and established. Starting upon the principle also expressed by yourselves, that it is the duty of every citizen to take part in the defense of his native soil, I have adopted, in conformity with your advice, and with a view to lighten the sacrifices which, in time of peace, spring from a general duty, a plan for the preservation of well-exercised and permanent frameworks to form the nucleus of our army. After mature deliberation, I have found that frameworks sufficient, in every respect, could, with the least felt expense, and without offensive injustice, be most suitably formed upon the base of old national institutions, characteristic of our country and adopted in our customs.

It is my intention to maintain them in their fundamental principles, proposing, at the same time, to introduce therein useful reforms.

With a view to furnish our troops with arms of an improved construction, I have

adopted measures which, though the fulfillment of contracts made abroad experienced delays, contrary to my expectations, insure us a satisfactory certainty for an uninterrupted manufacture of these arms at home.

The projected changes in important branches of legislation, and the more equitable application of duty, which for a long time already have been under consideration, have not yet been brought to a requisite maturity to be submitted to you. I have resolved, however, to present to you a proposition for the abolition of arrest of debtors of good faith.

I shall ask allowances for public works with a view, particularly, to aid immediately those provinces where labor offers equally the advantage of assuring the existence of a great number of needy, and shall also ask your support for the voting of necessary funds for the active continuation of railway works, destined to connect the capitals of the united kingdoms.

At the universal industrial competition, opened at Paris during the past year, Sweden honorably maintained her rank by the side of countries which lead in the development of peaceful callings.

No far as statistics show, the progress of our industry, in spite of difficulties with which the most part of our manufactures have had to struggle during the last year, has acquired a progressive extension.

Resting upon this accomplished fact and upon multiplied indications denoting that Sweden establishes herself more and more upon the sound base of economical independence—that of measuring her necessities with her resources, and of renouncing expenses which are neither indispensable nor justifiable—we can face the future with the full conviction that the obstacles to which we have been exposed will have taught us salutary lessons, and will thus become the source, not of discouragement nor of the prostration of our strength, but of their new development for a substantial well-being.

Convinced of your enlightened zeal for all that can insure the public good, I invoke for your work the benediction of Divine Providence, and in declaring, in conformity with the constitution, the present session open, I renew to you, gentlemen, the assurance of my friendship and of my royal affection.

Mr. Bartlett to Mr. Seward.

No. 23.]

LEGATION OF THE UNITED STATES,
Stockholm, October 9, 1868.

SIR: The subject of Norwegian Finmark is, with the Swedish government, one of continual anxiety and jealous watchfulness. Their great neighbor, Russia, who has wrenched from them Finland, now only awaits the color of an excuse, as their fears argue, to grasp that belt of land lying north of Russian Lapmark, and extending west to the open sea. This acquisition of territory would give to Russia large accessible harbors, free from ice the whole year, on the northwest coast of Norway. The nomadic tribes of Russian Laps, in considerable numbers, cross the border every spring with their reindeer herds to seek the better feeding grounds of Norwegian Finmark. The fishermen also sail to the Norwegian fiords and pursue their calling by the side of the Norwegians. This has been so long permitted by the government of Norway, that it is not surprising that it should now be demanded as a right. Last year, however, they attempted to put some restrictions upon the encroachments of the Laps, both on sea and land, which, I believe, were not very successful, but led to many collisions between the stranger tribes and the natives. At that time the Swedish papers pursued the subject with a bitterness of hatred towards Russia, which seems to have been augmented rather than diminished by the lapse of time since their loss of Finland. I believe it is the general impression among the Swedes that Russian agents are constantly on the ground stimulating the tribes to further aggression, and reporting to their government the need of protection.

You will observe by this statement that anything bearing upon this question in the remotest degree is eagerly seized upon by the press and argued into an approaching reality of their long-nourished fears.

The subject has been recently again brought before the public by the press, and it appears that I am one of the innocent causes. During the months of June and July I made the voyage to the head of the Gulf of Bothnia, and thence by land to Över Tornea, for the purpose of seeing the midnight sun from the mountain Aversaxsa. On my return I left the steamer at one of the northern ports, and traveled inland through Sweden back to Stockholm. The Swedish journals professed themselves at first flattered by my desire to see so much of the country that all Swedes love with an ardor I have never seen equaled outside my own. But, a few weeks ago they had, it appears, discovered the real object of my journey. I had, it seems, advised my government that in order to make the alliance between the United States and Russia more effective in case of war, it was absolutely necessary that Russia should have the ports on the northwest coast of Norway. (Inclosure No. 1, translation from the Aftonbladet, Stockholm, August 18, 1868.) Later, one of the journals of the interior, I was told, made the discovery that the Emperor of all the Russias did not cede the open ports of Russian America to the United States without having in return a bond securing to him their assistance to get ice-free ports on the Norwegian coasts.

I at first paid no attention to these attacks; but after considering with how much jealousy not only the government, but all the people, viewed this subject in whatever form it might be presented to them, I decided to call the attention of Count Wachtmster, the minister of state and foreign affairs, to the articles mentioned, and assured him that so far as they concerned myself, they were the ridiculous inventions of sensation writers, and that I at first thought I would give them no attention; but upon considering how many people whom I would daily meet might believe them, to the detriment of my government and of my influence here, I had decided to call his attention to the subject, and leave him to deal with it in the manner he should consider most proper towards my government. His excellency, who had never believed in the truth of the articles, said he would officially deny them in the official paper of the following day. I inclose (No. 2) the translation of the denial in the Post Och Inrikes Tidningar, Stockholm, August 24, 1868. I also inclose (No. 3) a translation of an article which appeared in the Aftonbladet September 15, 1868, which is in every way corroborative of the fact that even tourists, of whatever nationality, may be subject to such attacks in connection with Norwegian Finmark. The Prussian officer alluded to in inclosure No. 3 is General Schweinitz.

I have the honor to be, with the greatest respect, your obedient servant,
JOSEPH J. BARTLETT.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

No. 1.

[Translation from the Aftonbladet, Stockholm, August 18, 1868.]

One word to call the attention, we will not say to the Scandinavian interest, but to the interest of Europe, in that question which does not date from yesterday, for one may call it an old petition annulled in all jurisdictions.

The ports of the extreme north on the Norwegian coast do not freeze in winter, thanks to the gulf stream. Now Russia, as the celebrated Kalkof paper says, with a vigorous appetite, unknown in tradition since the time of Agres, has no port with good anchorage which is not closed by ice six months in the year. She has every interest, therefore, in procuring one upon good conditions, and at our expense, because she would quickly make it into another Cronstadt, from whence she could at all seasons of

the year dart forth and threaten the commerce of France and England. "Now these two powers," the same paper adds, and appears to be astonished, "have always cried stop, to their project, and a singular fatality has prevented Russia, since Peter I. from putting her hands upon a position which might be at the same time a bridge of civilization (†) and a clearing port." (Here the interrogation mark is useless.)

It must be mentioned that according to a rumor which has not been denied, the American minister at Stockholm called the attention of his government to the necessity of aiding Russia, who cannot at her ease prey upon the commerce of England and France.

Respecting Denmark, the confessions of the Russian papers are, if possible, still more void of craft. "That mutilated country can no longer have an independent existence," says the *Golos*; "its fate is alone in the hands of Prussia and Russia; France has nothing to do with it." As for England, no mention is made of her.

In truth, to offer for sale the bear-skin still alive, is an habitual custom of Russia; but the bear who by passing sees his fur advertised, will do well to hold himself notified.

No. 2.

[Translation from the *Post Och Inrikes Tidningar*, Stockholm, August 24, 1868.]

In the *Aftonbladet*, August 18, 1868, it is stated that the United States minister at Stockholm called the attention of his government to the necessity of assisting Russia in acquiring a port in Norway. According to what we learn from good source, this statement is without foundation.

No. 3.

[Translation from the *Aftonbladet*, Stockholm, September 15, 1868.]

Speaking of Norway, and of the visit the royal family are about to make there, is it not worth while to speak of a personage of whom every step is traced as if it were a question of a crowned head? It may be simply a question of an inoffensive tourist, who has the mania to go about with a pseudo-Roman casque which you recognize.

However the case may be, the doings and movements of General S. is the whole subject of preoccupation. And this gives an opportunity to renew that important question of Norwegian Finmark—of that band of land which so much tempts Russia on account of those excellent ports there, which the ice in winter does not close. We touch again upon this subject the more for the reason that in the documents to which we have recourse, the fears are founded in a very clear, and, unfortunately, in a very plausible manner.

That one may profit by the question of nationality, and make use of it to put in practice the fable of the lists and its companion, the history of Sleswig superabundantly proves. Now, we have every reason to believe that in Finmark Russia thinks of following this example. Unfortunately an appearance of pretext appears to show itself. For instance, among the population spread over that district are found from 5,000 to 6,000 Quaines, belonging to the same nationality as the inhabitants of Russian Finland, and who evidently came from that province. Add also the nomad tribes, who, during the summer, pass into the Norwegian territory to feed their reindeer, and a large number of Russian fishermen who come to take advantage of the Norwegian fiords, and you succeed in grouping a small population that Russia might think herself obliged to protect. That numerous collisions take place between the natives and the strangers is natural, as well as that the latter are not always in the wrong. Many times it has been proved that the Russian authorities have shown a very great zeal in receiving complaints of their nationals. Genuine documents have been seen in their hands, and it is useless to add that agents are not wanting to them to observe and note the facts on the spot.

Here is the serious side of the question. A day may come when Russia will say, a part of the population (it is always the greater part for those precious statisticians who make statistics on cannon carriages) is composed of many nationals, therefore this territory is Russian. They are oppressed, therefore I come to protect them. As for these agents, and their manner, more or less open, of proceeding, that is a secondary matter. Last year a voyage very long and trying was undertaken by Mr. Mehelin, Russian consul at Christiania, on the border of Norway and Russia, which attracted anxious attention. Why did she awake on the subject of the excursion, probably quite innocent of an ex-Prussian general ornamented with a casque? It is said he was stationed a long time in regions like Sont Varanger, where tourists are rare if any were

ever seen, and that he announced himself as come to study the military architecture of which Finmark ought not to offer many models, and from thence he went to the regatta at Stavenger. It was said that he met then the Russian consul-general at Christiana, but this last has just been contradicted. Nevertheless a number of ingenious conjunctions which may have no more foundation than this pretended meeting.

Though we make no note of persons, the question of Russian Finmark exists. It is very grave, and ought to call the serious attention of publicists.

Mr. Bartlett to Mr. Seward.

No. 24.]

LEGATION OF THE UNITED STATES,
Stockholm, November 7, 1868.

SIR: The system of maintaining the army and a portion of the marine in Sweden has many points of excellence, which could be adapted to our republican institutions with far greater advantage and with less burden to our people than here.

It is called "*Indelnings Verket*," the system of distribution, from the verb *indela*, distribute, that is, distribution of land assigned for the maintenance of soldiers. This system commenced as far back as the 12th century. By a mandate of King Magnus, the estates of any one agreeing to serve as a mounted and armed soldier, at his own expense, were liberated from all taxation. This was consequently a personal privilege, but could be transferred with the estate, the purchaser or heir becoming possessed of the same right, which is termed "*frälse*." Later the personal nature of this right disappeared, the owner being permitted to furnish a substitute. While at present this class of estates are relieved of the separate maintenance of a soldier by paying an inconsiderable sum.

The principal division of landed estates now existing is as follows: 1st. *Krono*, belonging to the Crown; 2d, *Säteri*, entirely free from taxation; 3d, *Frälse*, partly liberated from taxation; 4th, *Skatte*, tax paying.

Originally all the land was of the 4th class, belonging to private individuals and paying tax to the Crown. Most of the land still remains in this division and maintains the greatest number of the *indelta* soldiers, horse and foot, as well as *båtsmännen* or boatmen, corresponding to our landsmen in the navy. *Krono* is all the land that immediately belongs to the Crown as its property, which it has become in various ways, as, for instance, when the noble family of *Wassa* ascended the throne in 1521, all its estates became Crown property, through the confiscation of the church property after the reformation, &c., &c. Formerly the Crown divided its principal revenue from these estates, but on the more complete organization of *Indelnings Verket*, a great number of them were set aside for the support of the officers of the army. The right or freedom of "*Säteri*" formerly belonged to a few family estates of the old nobility and the King's private estate. It was, however, determined by a law in *Gustavus Adolphus's* reign, that a nobleman or knight could possess but one, a baron two, and a count three estates, with this "*Säteri*" right, which consists not only in absolute freedom of taxation, but in relief from the duty of maintaining one or more soldiers. *Charles XI* finding the revenues of the Crown very much diminished by this liberality, as well as the numbers of his soldiers, sequestered a large number of these estates, so that but few of them now remain, and those remaining are obliged during a war to furnish one or more soldiers.

Thus before the reign of *Charles XI* it will be seen that the system

of Indelnings Verket, though differing materially from its present working, had so far been perfected as to form the nucleus of an army, which was increased by levies and conscription in time of need, at the will of the monarch, with the consent of the Riksdag. The infantry was obtained through levies of one man for every 20th fralse and 15th or 10th skatte farm—the proportion for cavalry being in accord with the greater expense of its support.

Charles XI finding the conscription of the levies to be a slow and inconvenient method by which to fill the ranks of his army, and especially so when abroad, advised and carried into effect a system of contracts between the Crown and subjects, by which peasants, as well as nobles, bound themselves to always furnish, equip, and maintain in the field one soldier, upon about the above mentioned basis. That is, farmers united to maintain one soldier, the number being determined by the size and value of their farms. A smaller number of the possessors of Skatte, and a greater number of possessors of fralse farms, also a different proportion for the infantry and cavalry. The cities were almost entirely free from this burden. Some of them kept a small number of båtman, but the greater number paid a money tax. These contracts were made upon the condition that the Crown renounced all right to procure more men by means of forced levies or conscription.

When the above mentioned contracts were made, the farmers set aside and apportioned a plot of ground and built a comfortable cabin, where the soldier might live and maintain himself and family in time of peace. During a war the farmers are obliged to till his land and care for his property. Besides this, as stated above, they furnish him with uniform, equipment, and arms, and if a cavalryman, with horse and horse equipments. The same system is in effect to-day. The estate or estates that furnish a foot soldier are called a "Rote," and those that furnish a cavalryman a "Rusthåll." The soldier's place, cabin and land, is called a "Torp." The word torp being a general name for every small tenant's place. These torps vary in size in the different provinces, in accordance with the fertility of the soil, proximity to cities or towns, &c.

When a vacancy occurs in a "Torp" or "Rusthåll," the owner or owners thereof procure a recruit, who is first inspected by the company commander, and afterwards by the regimental surgeon, regimental commander, and governor of the district, and finally approved by the general commanding the district, at the next general inspection. Rendezvous for drill are held every year. First with the officers and non-commissioned officers 12 days, generally in the month of May, with recruits 20 to 40 days in May and June, with the entire regiment 15 days in June. Sweden is divided into five military districts, each commanded by a general officer. The regiments included in these districts supply in turn garrisons for forts situated within the district—100, or at most 200 men. Such detailed service lasts four months, during which time the men are instructed by their officers in what is termed the school for corporals. Men may also be detailed at times to assist on government works. Thus, for example, was the Götha canal almost entirely constructed by soldiers. Charles XII, during his great campaigns in foreign countries, seeing that this system admitted of no expansion by which he might fill the ranks of his invasive army, demanded and obtained a conscription to enable him to continue his wars. This was effected, however, without releasing the existing contracts with the soldier-furnishing estates. It had the result, moreover, to create some years after the "bevåring," which was fully instituted by the Riksdag in 1809, when the new constitution was adopted. The "bevåring" is founded upon the principle that every

male citizen should be liable to military duty from 21 years of age to 25. They are required to drill 15 days each of the first two years. Aside from this required drill, they can only be called out during the war, by the consent of the Riksdag.

The *Indelning* regiments are formed and officered so as to absorb the "*bevåring*" in time of war. The infantry regiments are divided into two battalions of four companies each. A company is generally 150 men, exclusive of officers and non-commissioned officers to the latter of which corporals do not belong. A regiment has officers and non-commissioned officers for three battalions, the third battalion to consist of "*bevåring*," or rather the "*bevåring*" is distributed among the old soldiers, and three battalions formed. The cavalry regiments are much smaller, and are divided into from four to eight squadrons of about 90 men each, but with so many officers that they also absorb the "*bevåring*." Officers of all grades furnish their own horses.

A full regiment has one colonel, three majors, (the senior having the title of lieutenant colonel,) and 12 captains, of which eight are company commanders, and four to command companies when the "*bevåring*" is added. All these officers, except the four "*bevåring*" captains, have "*boställen*," that is, farms furnished by the Crown, to live and maintain themselves upon. The subalterns and four "*bevåring*" captains get their pay in money. They must, however, all live within the district of their company and regiment.

All the non-commissioned officers, except the youngest in the infantry, have similar "*boställen*." The size and income of the "*boställen*" is generally suited to the rank of the possessor, but of course not always; good management and a fertile country will make a great difference. Thus some of the non-commissioned officers in Sköne, the most fertile district of the kingdom, have much larger incomes than many regimental commanders in the north of Sweden. The Swedish *indelta* army consists at present of about 3,300 cavalry, 20,239 infantry, besides 5,686 "*Indelta båtsman*." There are besides, two "*bevåring*" battalions, that is to say, officers and non-commissioned officers for two complete battalions, exclusive of those mentioned before. The "*Indelta*" regiments, besides having a number, are given the name of the province or district to which they belong. The regiments are so apportioned that in 24 hours any one regiment may be concentrated. In adding the "*bevåring*" to the "*Indelta*" in time of war, the effective force of the army amounts to a little more than 100,000 men. The balance of the army, which consists of only 6,800 men, are enlisted for six years, and are apportioned about as follows; 3,000 artillery, 1,000 marines, 400 horse guards, 600 cavalry, 1,800 foot guards, (1st and 2d regiments,) besides a small force of engineers.

This force alone receive their pay directly from the government, except the youngest officers of the "*Indelta*" infantry and the subalterns before mentioned, and are kept in permanent garrisons during peace. However, one-fourth of this enlisted force are on furlough, during which they receive no pay. The pay of infantry officers in the Swedish "*Indelta*" army is, for a colonel from 5,000 to 10,000 riks dollars; majors from 3,000 to 6,000 riks dollars; first captain from 2,000 to 6,000 riks dollars; second captain from 1,200 to 1,800 riks dollars; first lieutenant from 600 to 1,000 riks dollars; second lieutenant from 300 to 480 riks dollars.

It is somewhat higher in the cavalry, at least in the four lower grades.

It will be seen by this system of apportionment of land to the use of one who binds himself to bear arms for the government in time of need and to submit to all other military requirements, a poor country is

enabled to maintain and have ever ready for immediate use an army of well-drilled and disciplined soldiers and officers, amounting to 30,000 men. By adding the "bevåring," composed of men of a certain age fixed by law, the army is immediately swelled to the considerable size of 100,000 men. Commanded by educated and experienced officers, the regiments are all named and numbered, and each man between the ages of 21 and 25 years knows where he will take his place when called upon to battle for his country. It is scarcely necessary to add that this kingdom, by any other system, could not maintain a standing army at all proportionate to its territorial extent or requirements.

It now only remains to show how far this system, that has stood the test of centuries here, can be made applicable to our own country.

This I shall endeavor to do, first, by directing your attention to the fact that an individual citizen of a republic composed of a great number of states must necessarily have a remote interest in the general government. This more especially applies to the class upon whose patriotism we rely in time of war to maintain our rights in the field as private soldiers. This remoteness of interest does not arise from any want of a proper and warm love of country, but from the fact of the numerous intermediate appliances for their government before they are brought under the cognizance of the higher law of the constitution and are made to feel that the entire country is one and indivisible. Nature has implanted in the breast of every man the sentiment of loyalty, which is exhibited in its fullest intensity in the love of his family and in the personal sacrifices he is ever ready to make for their defense and protection. Extending from this center it embraces his town, county, congressional district, and state; and finally includes in its outer circle the general government. With no intervening hinderances, or as between our own and another power, it gives itself with all its intensity direct to the head. But if there be intermediate differences the most conscientious and intelligent at least hesitate.

By this system one or more men in every township are made to feel a warmer interest in their own town, which provides them a homestead upon which they maintain themselves and families, and a direct interest in, and responsibility to, the general government. In our country, as here, these soldiers would many of them become important members of the society of their townships, and would greatly aid in removing the distant consideration of national affairs.

One or more of these soldier corps could be provided by each township, according to the number of inhabitants, at little expense to the tax-payers, as the government have always arms enough on hand to supply them. Each district could supply garrisons for forts, arsenals, &c., with an expense to the government for rations only. The officers are already serving in the army. This system would enable the entire force that it would be necessary to pay, as at present, to be moved at any time, to a man, on the frontiers, where they could be reinforced, if necessary, from the regiments of the "Indelta" which were nearest to the scene of action.

Second. Suppose the soldiers to be enlisted for a term of five years, at the average age of 21, three terms would expire when the soldiers of the first enlistments had but attained the age of 36 years. Thus there would always be a thoroughly instructed reserve in the country, in addition to the state militia, ready to bear arms in any emergency.

To this end there might be apportioned a certain number of acres in each township, surveyed and to be surveyed, of the great tracts of government lands yet undisposed of. This apportionment alone might be

so managed that as civilization advanced towards the west, it would be found in a few years adequate to the support of a great army, without drawing a dollar from the treasury of the nation.

The minor details of this system, as applicable to our country, such as how many men shall be retained in the army to be paid as now; how many should be enrolled in the "Indelta;" whether, when called into active service, they should receive as much pay as the regular soldier, or whether they are to receive none at all; the number of days' drill each year, &c., &c., can be readily adjusted if the system is found worthy of consideration.

In this connection, and for the purpose of giving you some means of contrasting the actual expense in maintaining this army of 33,641 strong, with officers to command, and so organized as to absorb the "bevåring" in case of need, making its total effective strength 110,852, with our own system, I will give—

1.—*A statement of the standing of the Swedish army for the year ending December 31, 1867.*

Officers, including general officers, and medical staff.....	1, 617	
Non-commissioned officers.....	1, 219	
Musicians.....	1, 341	
Engineers, (privates enlisted).....	287	
Artillery, (privates enlisted).....	2, 489	
Cavalry, (privates enlisted).....	976	
Infantry, (privates enlisted).....	2, 043	
		5, 795
Indelta cavalry, (privates enlisted).....	3, 273	
Indelta infantry, (privates enlisted).....	20, 318	
		23, 591
Effective strength.....		33, 641
Bevåring Gottlands national officers.....	104	
Bevåring Gottlands non-commissioned officers and musicians.....	259	
Bevåring Gottlands privates.....	8, 101	
		8, 464
Swedish general, (bevåring conscription,) drilled in four classes.....		6, 747
Total effective strength.....		110, 852

2.—*Table of expenditures for the army 1868.*

		<i>Riks Rmt.</i>
Bureaus under the department for the economy of the army.....		123, 700
General officers and general staff.....	143, 562	
For maps issued by topographical corps.....	60, 000	
For military schools.....	79, 888	
For medical department.....	64, 650	
		348, 100
For the indelta army.....	3, 855, 078	
For the enlisted army.....	2, 555, 068	
For bevåring (and volunteer organizations).....	945, 000	
		7, 355, 146
	162, 590	
For fortifications, repairing and new materials, and various smaller expenses, including 10,000 Remington rifles.....	2, 570, 000	
		2, 732, 590
Riks dollars.....		10, 559, 536
American dollars.....		2, 846, 236

I submit this history of the past and present military organization of Sweden to your consideration, with the single desire to add whatever information is attainable through my position which may by any possibility be of service to the country.

I have the honor to be, with great respect, your obedient servant,
JOSEPH J. BARTLETT.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

TURKEY

Mr. Morris to Mr. Seward.

[Extract.]

No. 242.]

LEGATION OF THE UNITED STATES,
Constantinople, January 9, 1868.

SIR: The Cretan question has of late assumed a more serious aspect. The want of success of the Turkish troops, and the apparent unanimity with which the insurgents and the Christian population have rejected the propositions made to them through the grand vizier, has provoked new demonstrations on the part of the great powers in favor of peace. The French ambassador, I am informed, on Saturday last presented a note to the Porte on the part of his government, in which, in very positive terms, a commission of inquiry is demanded to ascertain the sentiment of the Cretan people, with the view of allowing them to determine their future destiny. This commission is to be comprised of representatives of the great powers, with a Turkish commissioner *adjoint*. In this note the Porte is advised of the imminent certainty of a war by Russia against Turkey, and the declaration is made that in such a war France will remain perfectly neutral if the Porte rejects the proposed commission of inquiry. * * * *

England, indirectly co-operating with France, has, through her ambassador, Mr. Elliott, recommended the establishment of a principality, without, however, resorting to menace to support her counsel. The Austrian ambassador, a fortnight since, in behalf of his government, urged also a commission of inquiry. This particular proposition was first advanced last summer by France, Russia, Austria, Prussia and Italy as an alternative to their recommendation for the cession of Crete to Greece. It is of Russian origin. * * * *

The last advices from Crete report new disasters to the imperial forces, and that they have been unable to make any progress in the reduction of the rebellion. Sawas Effendi, an employé of the Porte, who has been made pasha of Spakia, left Canea with six battalions, about 10,000 men, for the purpose of taking possession of his pachalik. At about three hours from the point of departure, on the verge of the mountain district of Spakia, he was met by an insurgent force, and after a desperate combat of some duration the Turkish troops were driven back and were obliged to return with the pasha to Canea, or rather they accompanied him to a safe distance, whence he was enabled under escort to reach that town. Thus ends the attempt to revive the Turkish government in the famous district of Spakia.

Although 60,000 women and children, by the Christian charity of the great powers, have been transported to Greece, the suffering for want of food is very great in Crete, and many helpless non-combatants perish from starvation. The situation of this once beautiful and flourishing island is indeed deplorable, and it justly commends itself to the sympathies of the Christian world.

I am, sir, with great respect, your obedient servant,

E. JOY MORRIS.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Morris to Mr. Seward.

No 246.]

LEGATION OF THE UNITED STATES,
Constantinople, January 22, 1868.

SIR: I have the honor to inform you that in co-operation with my colleagues of the diplomatic corps, I have addressed the Porte a note soliciting permission for sailing-vessels to pass through the Bosphorus and Dardanelles during the night. Although steamers are permitted to pass the forts at the entrance of these straits after night, the same liberty is not allowed to sailing-vessels. This is the cause of frequent disasters, as the anchorage outside is bad, and in case of storms it is almost impossible to find good shelter, or to escape shipwreck or serious damage. The interests of commerce, in the opinion of shipmasters, require the abrogation of this ancient regulation. Often, also, in consequence of a change of wind at nightfall, vessels are driven back from the Dardanelles, and are unable to reach the straits again for months afterwards.

I am happy to be able to state that in consequence of the action of my colleagues and myself, first made some two years since, a proper system of life-saving apparatus and of precautions against shipwreck are to be adopted in a short time at the entrance of the Bosphorus from the Black sea. That locality is the scene of many shipwrecks and much loss of life during the stormy months, owing to the difficulty of distinguishing the true mouth of the Bosphorus.

I am sir, very respectfully, your obedient servant,

E. JOY MORRIS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington. D. C.

Mr. Morris to Mr. Seward.

[Extract.]

No. 252.]

LEGATION OF THE UNITED STATES,
Constantinople, March 11, 1868.

SIR: The grand vizier, Aali Pasha, having returned from Crete, I called on him with the other members of the diplomatic corps. His Highness was very cordial in my reception, and was in excellent health and spirits. In conversing on his mission to Crete, in reply to my remark that I hoped he had tranquilized the island, he replied that all would go on well if there was no interference from abroad. I inferred from this observation that his Highness did not regard the state of affairs there as altogether satisfactory, or that peace was re-established. Since his return, indeed, we have news of an important battle at Prosyaco, in which the Turkish loss is reported by Mr. Stillman as over a thousand. The whole division engaged in this battle would have probably been destroyed but for the timely aid rendered by a Turkish iron-clad, which took a position sufficiently near the field of battle to bring her guns in range on the Cretan forces.

Concessions of a very liberal character have been made to the insurgents by the grand vizier, but as these concessions follow a desolating war of two years' duration, they do not seem likely to produce any effect. Thus far, at least, the Cretans manifest no signs of submission. They fight with more spirit and resolution than ever, and the blockade-runners

continue as heretofore to carry provisions and munitions of war from Greece to Crete. The Cretans evidently intend to prolong the contest until they can profit by complications in western Europe to realize their aspirations for independence and annexation to Greece. Thus far I do not see any solid advance that has been made by the Turkish forces in the subjection of the rebellion. The loss in battle and by disease, and the expenses of prosecuting this contest, are very great on the Turkish side.

The French papers abound in warlike reports from Roumania and Servia. There is no doubt considerable agitation in both those provinces, but not to the extent described by the Paris journals.

* * * * *

I am, sir, very respectfully, your obedient servant,

E. JOY MORRIS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Morris to Mr Seward.

[Extract.]

No. 257.]

LEGATION OF THE UNITED STATES,
Constantinople, May 21, 1868.

SIR: It gives me pleasure to be able to state that, yielding to the pressure of controlling circumstances and to the counsels of the protecting powers, the Porte has recently adopted several measures of a reformatory character, which, if faithfully executed, will have an important influence on the future welfare of this empire and its subjects.

A council of state has been established with almost similar functions to that of France. Its chief duty will consist in the revision and preparation of laws, the outlines of which have been submitted to it by the council of ministers. It will also assist that body with its advice, whenever required. As it is composed of nearly a hundred members, both Mussulman and Christian, selected from different parts of the empire, it may be able to exert a beneficial influence on ministerial legislation if its advice is respected and its independence is not interfered with.

A high court of justice has also been established charged with the decision, in the last resort, of all civil, commercial, and criminal cases. It is divided into two sections: one for criminal cases exclusively, and the other for civil and commercial causes. The presiding judge will be a minister, with the title of "President of the High Court of Justice." This court will have jurisdiction in civil and criminal affairs, in accordance with the general laws of the empire; first, in all suits which come before it regularly and according to law; and secondly, in all cases in which an appeal is duly made to it by any party in a civil, commercial, or criminal process, to the exclusion of first cases, which belong to the *Cheriat** courts: secondly, those which specially concern new Mussulman communities; and thirdly, commercial causes which have been tried by the tribunals which have special cognizance of such suits. The high court is obliged to refer to the council of state every case between private individuals in which any contest may arise between one of the parties and the authorities. The proceedings of this court will be public *according to its own discretion*. The members of this court who are appointed

* Canonical.

by imperial *irade* or decree are irremovable, *except when promoted to higher functions* or convicted after trial.

Most of the attributes of this new court are already exercised by the existing supreme council of justice. With its enlarged functions it will facilitate the administration of justice, if its judges are men of perfect probity and of proper qualifications.

His Majesty the Sultan has recently, on the opening of the Mohammedan new year, in a formal address before the chief authorities, reaffirmed the pledges of the Hatti Haumagom of his predecessor, and announced his intention to abolish all invidious distinctions between his subjects, and his resolution to co operate in all measures necessary to the prosperity and regeneration of the empire. * * * * *

I am, sir, with great respect, your obedient servant,

E. JOY MORRIS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Morris to Mr. Seward.

No. 266.]

LEGATION OF THE UNITED STATES,
Constantinople, July 31, 1868.

SIR: The privileges of American citizenship are so much abused in this empire that I deem it my duty to bring the subject to the special attention of the department.

It has become quite a common practice for Ottoman subjects, chiefly Armenians, to go to the United States for the purpose of acquiring American citizenship, not with the view of residing there, but solely as a means of escaping allegiance to the Turkish government, within the territory of which they return to reside for the rest of their lives. Some of them merely take out declaration papers, and others perfect the forms of naturalization. In either case the proceeding is virtually fraudulent, as they have no intention of becoming resident American citizens. Upon their return to Turkey they enjoy higher privileges than the native born American. Unlike him they pay no taxes to the government of the United States, and yet may claim through it the expenditure of the blood and treasure of the American people for the redress of unsatisfied grievances. In time of war they are not, as the home-resident, subject to military conscription. They enjoy, in truth, all the rights of an American citizen, but are exempt from the duties, burdens, and obligations appertaining to the same.

I respectfully beg to be informed if I am to protect as American citizens persons of oriental origin, such as I have described, and who have no other claim of right to be regarded as such than declaration papers, and who, ever since the issuing of the same, have resided in Turkey? Am I bound to recognize as American citizens the children of original Ottoman subjects, naturalized in the United States, but who, since their naturalization, have constantly resided in Turkey, and which children have been born here? In many instances the children of such individuals have passed their majority and are engaged in business, never having visited the United States. Of course, they claim that their descendants, *ad infinitum* shall be considered American citizens. These distinctions against the native-born and home-resident Americans are obviously unjust and invidious, and ought to be corrected.

Many of the difficulties connected with this subject might be obviated by such a treaty as that lately negotiated by Mr. Bancroft with Prussia, and it may be worthy the consideration of the department if it be not expedient to negotiate a similar treaty with Turkey. In the mean time I solicit instructions on the above points.

I am, sir, very respectfully, your obedient servant,

E. JOY MORRIS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Morris.

No. 187.]

DEPARTMENT OF STATE,
Washington, August 21, 1868.

SIR: Your dispatch of the 31st of July, No. 266, has been received. We have for some time been apprised of the abuses which are committed concerning the privilege of citizenship of the United States in oriental countries.

This department, as you must have inferred from some of its instructions, has been engaged in endeavoring to correct these abuses.

In answer to your present request for special instructions, I have to direct that you will extend the protection of the United States only to persons who are either native born or naturalized citizens of the United States. In case of naturalization the proceeding must not consist merely in a preliminary declaration of intention, but must show a judicial process fully complete and ended before the proper courts, and in conformity with the provisions of the laws of the United States. Wherever the naturalization papers presented are either manifestly fraudulent, or well suspected of being fraudulent, you will refuse to extend protection upon them until the case shall have been examined here.

When the person who demands protection claims it upon the ground simply that he is the child of a person who has been naturalized in the United States, you will look into the circumstances and see whether the claimant has, by relinquishing his residence in the United States, or by returning to Turkey or any other foreign country, practically waived his legally acquired but provisional title as an American citizen.

You will in no case interpose in behalf of a person whose objects appear to be immoral, or illegal, or frivolous, or whose title to United States citizenship is not clear and absolute; on the contrary, in such doubtful cases you will refer yourself to this department for special instructions.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

E. JOY MORRIS, Esq., &c., &c., &c.

Mr. Morris to Mr. Seward.

No. 267.]

LEGATION OF THE UNITED STATES,
Constantinople, August 24, 1868.

SIR: I have the honor to report the arrival of Admiral Farragut at this capital, in the United States steamer Frolic. This vessel being

within the dimensions allowed to enter the straits by the treaty of Paris of 1856, my application for the requisite firman was promptly granted. Some days after the arrival of the admiral at Constantinople, his flag-ship, the frigate Franklin, was reported at the Dardanelles, whither she had repaired under his orders to await him, on his departure from this place.

I thought it due to so distinguished an officer of our navy that exceptional honors should be awarded to him. With this object in view, I applied to the Turkish government to suspend in his favor that article in the treaty of Paris of 1856 by which vessels of war of the dimensions of the Franklin are excluded from the straits. On my first and informal application, I was informed that such exceptions were only made in favor of princes of the blood. To this I made answer that under such a construction and administration of the treaty, the United States would not enjoy the same privileges as the aristocratic states of Europe, and that this provision of the treaty was partial in its application, and to the derogation of our dignity. If Admiral Farragut were not a prince of the blood, he was at least a naval officer of such pre-eminent fame and achievements that the sovereigns of Europe had treated him with princely honors, and had received him with a distinction rarely granted to other than royal personages. Having discussed the question at various times in personal audiences with the grand vizier and minister of foreign affairs, I was pleased to know that his Majesty the Sultan desired the entrance of the Franklin. At the suggestion of the minister of foreign affairs, I at this stage of the discussion addressed him a formal note, asking the requisite permission for the passage of the Dardanelles by the Franklin. On the receipt of this note, the Porte officially advised the representatives of the great powers of the wishes of the Sultan, and invited their assent to the provisional suspension of the exclusion article of the treaty of Paris, in favor of the flag-ship of Admiral Farragut. Having given their assent, I was advised by a note, of which the enclosed is a copy, that orders had been sent to the Dardanelles to allow the Franklin to pass up the straits.

In this instance the admiral has been treated with rare courtesy by the Turkish government, and in a manner altogether unexceptional. I have deemed it my duty to specially thank the proper authorities for the same.

Soon after his arrival I presented the admiral to the Sultan, by whom he was received with striking cordiality. His Highness Aali Pasha, grand vizier, subsequently gave him a grand dinner, at which all the ministers of the imperial cabinet, as well as other leading Turkish functionaries, were present. The Russian and English ambassadors also extended him the hospitalities of their tables. He was prevented from accepting an invitation of the French ambassador by illness. It is quite needless, I hope, to assure you that it has been a sincere pleasure to me to render the admiral all possible courtesy on my own part. His visit to Constantinople, accompanied as it has been by the arrival of his flag-ship, will, I am confident, prove a most auspicious one in every respect.

I am, sir, very respectfully, your obedient servant,

E. JOY MORRIS.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Translation.]

SUBLIME PORTE, MINISTRY OF FOREIGN AFFAIRS,
May 20, 1868.

I have received the note which you were pleased to address me the 18th instant, and by which you express the wish that permission may be exceptionally given to the frigate Franklin, bearing the flag of Admiral Farragut, to pass the straits of the Dardanelles to Constantinople.

As you have been pleased to recognize in the said note, the existing treaties have established the principle of the closing of the straits. Although the dimensions of the vessel in question exceed the limits expressly fixed by the treaty of Paris, his Majesty the Sultan, my august sovereign, desirous nevertheless of giving proof of his deferential regard for a distinguished personage of the great American republic, has been pleased for this purpose, and in a manner altogether exceptional, to grant the permission asked for the passage of the frigate Franklin.

In informing you, sir, that instructions in this sense have been sent by telegraph to the Dardanelles, I beg you to take note of the exceptional character of the granted authorization.

Accept, Mr. Minister resident, the assurance of my perfect consideration.

FUAD.

Hon. E. JOY MORRIS,
Minister resident of the United States of America.

Mr. Morris to Mr. Seward.

[Extract.]

No. 268.]

LEGATION OF THE UNITED STATES,
Constantinople, August 31, 1868.

SIR: Admiral Farragut sailed from this port with the Franklin and Frolic, the 29th instant, for the Piræus. On the 26th instant he gave an entertainment to the diplomatic corps in his flag-ship, and on the 27th the grand vizier, Aali Pasha, and the minister of foreign affairs, Fuad Pasha, made him an official visit on the part of the Sultan, to express the regrets of his Majesty for his inability to visit him on board the Franklin. They breakfasted with the admiral and inspected minutely the vessel. They expressed their admiration of the construction and equipment of the ship in the strongest terms.

The Turkish authorities have shown every possible civility to the admiral during his stay here. Among other acts of signal courtesy on the part of the Sultan was that of ordering Ali Viza Bey, introducer of ambassadors, to place himself at the disposition of the admiral, in order to facilitate his visit to the government establishments and to other objects of interest in the capital. * * * *

I am, sir, with great respect, your obedient servant,

E. JOY MORRIS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Morris to Mr. Seward.

No. 269.]

LEGATION OF THE UNITED STATES,
Constantinople, October 2, 1868.

SIR: I have the honor to transmit inclosed a translated copy of a note from the Sublime Porte relative to the passage of the Dardanelles and Bosphorus by vessels of war in time of peace.

I am, sir, very respectfully, your obedient servant,

E. JOY MORRIS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Translation.]

Circular on the prohibition of the passage of the Dardanelles and Bosphorus by foreign vessels of war.

SUBLIME PORTE, MINISTRY OF FOREIGN AFFAIRS,
September 28, 1868.

SIR: The prohibition of the passage of the straits of the Dardanelles and Bosphorus by foreign vessels of war is a rule which the imperial government in the exercise of a territorial right has at all times enforced.

The treaty of Paris, of March 30, 1856, has intervened only to solemnly affirm the resolution of his Imperial Majesty the Sultan, to invariably maintain, whilst the Sublime Porte is at peace, this ancient rule of his empire already declared in the treaty of London of July 13, 1841, and by which act the powers signers pledged themselves to respect this determination of the territorial sovereign.

This principle has always been maintained; and if on rare and exceptional occasions it has been permitted to some vessels of war to pass the straits, it was always in virtue of a special authorization accorded out of deference to the distinguished personages on board of them.

The Sublime Porte, however, recognises that a relaxation in the strict application of the aforesaid principle with respect to vessels of war, apart from the exceptions provided by articles 2 and 3 of the convention of March 30, 1856, would not be compatible with the declaration contained in the aforesaid treaty of Paris.

It has, therefore, been decided that, henceforward, there will positively be no exception but for vessels of war, which may have on board a sovereign or the chief of an independent state.

The preceding decision having been sanctioned by his imperial Majesty the Sultan I have the honor to beg you to report it to the government of the United States for its information.

Accept, sir, the assurance of my perfect consideration.

SAFVET.

Mr. Morris to Mr. Seward.

No. 272.]

LEGATION OF THE UNITED STATES,
Constantinople, October 29, 1868.

SIR: Having on a previous occasion reported the reply of Fuad Pasha to my application for permission for Admiral Farragut's flag-ship, the Franklin, to pass the Dardanelles, I have now the honor to transmit inclosed translated copies of my two notes on this subject, and also the circular dispatch of his Highness Fuad Pasha to the representatives of the powers parties to the treaty of Paris of 1856.

I am, sir, very respectfully, your obedient servant,

E. JOY MORRIS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Morris to Fuad Pasha.

BUYNKDRE, August 18, 1868.

HIGHNESS: The flag-ship of Admiral Farragut having arrived at the Dardanelles, I have the honor to solicit that permission be granted to said vessel to pass the straits. Although vessels of war of the size of the Franklin are excluded from the straits by the existing treaties, exceptions have been made from time to time in favor of such vessels, when having on board a prince of royal blood. Hereditary dignities do not exist in the United States. If these exceptions are exclusively confined to princes of the blood, the historical personages of the United States cannot profit by the same, and an invidious distinction will thus be established against them by the Porte.

Admiral Farragut is the officer of highest rank in the American navy, and the most distinguished. His achievements in the late civil war greatly contributed to the salvation of his country and to the preservation of the American Union against its ene-

mies. His fame has become cosmopolitan, and he has been received in all the courts of Europe with princely honors. Sovereigns have granted him extraordinary honors, regarding rather the facts of his history than his rank.

Admiral Farragut having been received with such distinction elsewhere, I venture to hope that his Majesty the Sultan, with his usual appreciation of distinguished exploits and services, will accord to him the exception heretofore only made in favor of princes.

The admiral desires to bring the Franklin to Constantinople exclusively for purposes of courtesy to a power with which the United States has always maintained the best relations, and with which it seeks to remain on the most friendly terms.

I beg your Highness to do me the honor to submit these considerations to his Majesty the Sultan, and to assure him that the concession of the desired permission will be regarded as a compliment to the American people, and to one of its most faithful and distinguished servants.

I avail myself of this occasion to renew to your highness the assurances of my perfect consideration.

E. JOY MORRIS.

Mr. Morris to Fuad Pasha.

CONSTANTINOPLE, August 23, 1868.

HIGHNESS: I have had the honor to receive the note by which you inform me that his Majesty the Sultan has granted permission for the passage of the Dardanelles to the flag-ship of Admiral Farragut. This exception to the provisions of the treaties relative to vessels of war which are allowed to pass the straits in time of peace will be esteemed as a proof of regard for the republic of the United States, and for the gallant officer who so worthily sustained the honor of its flag during the recent civil war. It will give me much pleasure to communicate this friendly proceeding to my government. It will, I am sure, have a tendency to improve the good understanding so happily existing between the two countries.

I avail myself, &c., &c.,

E. JOY MORRIS.

Circular dispatch of Fuad Pasha to the representatives of the powers parties to the treaty of Paris of 1856.

AUGUST 19, 1868.

The flag-ship of Admiral Farragut having arrived at the Dardanelles, the United States legation, admitting the principle of the closing of the straits as established by the treaties, has expressed to us the desire that the said vessel should be permitted to pass through the straits to Constantinople. The dimensions of the naval vessel in question are, it is true, beyond the limitations stipulated in the treaty of Paris; but his Imperial Majesty the Sultan, wishing to testify his regard for the great American republic, and to see this magnificent frigate, has for this purpose, and in a manner altogether exceptional, granted the requested permission. I have deemed it my duty to bring this fact to the knowledge of the representatives of the powers parties to the above treaty, and I beg them to take notice of the exceptional character of the granted authorization, which, I have no doubt, they will find sufficiently justified.

FUAD.

Mr. Morris to Mr. Seward.

No. 274.]

LEGATION OF THE UNITED STATES,
Constantinople, November 5, 1868.

SIR: The news of the election of General Grant to the Presidency of the United States was received here this day. I think it proper to report the fact that this event has given great satisfaction to the friends of the United States in this capital. It is regarded as a sure pledge for the future welfare of the republic, in the confidence that the same qualities which distinguished General Grant in the field, and which led to the triumph of the Union over its enemies, will be brought into the adminis-

tration of the government, and will give to it new power for self-conservation at home, and for the maintenance of the national honor and interests abroad. The name and exploits of General Grant are well known and appreciated by the official world here; and they give reason to expect an administration which will extend American influence in Europe, and increase the influence and authority of the United States with foreign governments and communities.

I am, sir, very respectfully, your obedient servant,

E. JOY MORRIS

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Morris to Mr. Seward.

[Extract.]

No. 277.]

LEGATION OF THE UNITED STATES,
Constantinople, December 4, 1868.

SIR: In a council of ministers on Wednesday last, it was determined, in consequence of the tenor of dispatches from the Turkish minister at Athens, to break off diplomatic relations with Greece, to expel the Greek subjects from the Turkish territory, and to exclude Greek vessels from the Turkish waters. An imperial decree to this effect has been signed by the Sultan. The Turkish minister has been recalled from Athens, and the Greek minister at Constantinople has received his passports.

These measures have been adopted because of the alleged aid which the Greek government has of late rendered to the Cretan insurrection, and also because of the departure of new expeditions of volunteers from Greece to Crete, and of the difficulties placed in the way of the emigrated Cretans who desire to return to their homes. The uninterrupted voyages of the supply blockade-runner, the Enosis or Union, from Syra to Crete, is also another source of aggravation. * * *

The expulsion of the subjects of Greece from Turkey is an expedient of great severity, as they number more or less about 200,000, and in the capital alone 35,000. Here they are engaged in all kinds of avocations, and contribute much to the prosperity of the city.

* * * War seems imminent between Greece and Turkey as a sequel to these measures. If it breaks out, it will, I fear, lead to grave disasters in the east, and may produce complications that may expand into a great continental struggle. Should the Greek populations in Epirus and Thessaly rise in insurrection, the revolutionary spirit may extend to the Turkish islands of the Archipelago, inhabited by Greeks.

A squadron under Hobart Pacha sails to-morrow for Crete, and I have every reason to believe, if necessity requires it, will enter the Greek waters.

I am, sir, very respectfully, your obedient servant,

E. JOY MORRIS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Morris to Mr. Seward.

No. 278.]

LEGATION OF THE UNITED STATES,
Constantinople, December 6, 1868.

SIR: I was in error in stating, in my dispatch No. 277, that the Turkish minister at Athens had been already recalled, and that the Greek minister here had received his passports. The recall of the former and the dismissal of the latter depend upon the rejection of the ultimatum sent hence to the Turkish minister at Athens for presentation to the Greek government. This ultimatum requires the Greek government to prevent the expedition of volunteers from Greece to Crete, to facilitate the return of the emigrated Cretans to their homes, and to compel the supply blockade-runner, the Enosis or Union, which provisions the insurgent forces in Crete, to cease her trips to that island.

I think it very doubtful if the Greek government will accede to this ultimatum. Its acquiescence in the same would perhaps cause civil war in Greece, so strongly enlisted are the national sympathies in favor of Crete. Should the ultimatum be rejected, the provisions of the imperial decree referred to in my last will be put in force. The answer of the Greek government is expected within the next 24 hours.

I am, sir, very respectfully, your obedient servant,

E. JOY MORRIS.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington. D. C.

G R E E C E.

Mr. Tuckerman to Mr. Seward.

[Extract.]

No. 3.]

LEGATION OF THE UNITED STATES,
Athens, June 18, 1868.

SIR: On the 13th inst., as per copy herewith, I had the honor to report my arrival at this capital, making mention, at the same time, of the fact that the King and court were sojourning at Cephissia. On being informed of my arrival, his Majesty appointed Tuesday, the 16th inst., at the palace at Athens, for my official reception. At noon on that day, I presented my letter of credence to the King, who received me with marked cordiality, in manner and speech. In handing the letter of the President to the King, I employed the following language:

I have the distinguished honor of presenting to your Majesty a letter from the President of the United States of America, whereby I am accredited as minister resident near the government of your Majesty. In performing this agreeable duty, it is unnecessary for me to remind you of the friendship and sympathy so long subsisting between the two nations. These sentiments were expressed in more fitting terms than any that I can employ, on the occasion of the reception of your Majesty's representative at Washington, and they now, in virtue of a recent act of Congress, take visible form in the establishment of this mission. The people of the United States sincerely desire the prosperity and happiness of all peoples, under whatever forms of government their laws may be administered; yet, from the very nature of our own political institutions, we cannot but regard with peculiar satisfaction every successful result of self-government in Europe. In this view I may be permitted to consider as auspicious the period of my arrival in Greece. The supremacy of law and order during the excitement of the recent popular elections throughout this kingdom, and the submission of the whole to the voice of the majority, are, as regarded by the light of our own political experience, a test of free institutions. It is our abiding hope, that Greece, drawing from her imperishable past the principles of public liberty, and rejecting those conflicting elements which caused her decline, by a well-developed system of political economy and internal improvements, may, through patient peace, realize the just expectations of her patriotic and persevering people. Should my official residence near your Majesty's government serve in any degree to strengthen the friendship and give direction to the mutual interests of the two countries, my ambition will be more than gratified.

To which his Majesty responded as follows:

[Translation.]

MR. MINISTER: I thank you for the words which you have just pronounced. It is with a lively pleasure that I see a minister from the United States accredited near to me. The sympathies which unite the Greek people to those of the United States, date from the very period of the war which the former sustained to conquer her independence. Fully sharing in these sentiments of my people, I decided last year to send an envoy extraordinary to express them to the President of the United States. The reception of Mr. Rangabé by the Chief Magistrate of the republic, and by the American people in general; the mission with which you are at present charged; the hopes and sentiments which you have just expressed, are so many proofs of the feeling which animates the government and people of the United States in our behalf. My people and myself place a very high value upon the friendship of the United States. There is more than one point of resemblance between the two nations. With one, as with the other, the love of order and of liberty form the basis of their character. Both conquered their independence by a long struggle, and passed through many trials to sustain these two principles. Having heard of your antecedents, and of your talents, I am gratified, Mr. Minister, that the choice of your government for its representative near me has fallen upon yourself. I shall always receive you with pleasure, and I am sure that my government will hasten to establish intimate and cordial relations with you.

At the conclusion of this address, his Majesty entered into general conversation with me, and expressed much interest in the growth and prosperity of the United States. Referring to the remarks in my address upon the tranquillity of the late elections in Greece, he attributed the general good order which prevails with us during the period of elections, to the fact that labor and occupation engross the attention of the people; thus, by inference, intimating what indeed cannot fail to be perceived by the most casual observer in this capital, that the undue proportion of citizens who make a business of political agitation, is an element of great danger in this kingdom. Thus, at the present moment, although the results of the late elections have been known for weeks, the excitement of parties continues simply because there appears to be no wholesome practical occupations to engage the general mind. It is well known that the better classes do not pursue agricultural employments. Thus, an immense floating population, dependent upon government offices for support, is continually ebbing and flowing, as this party or that is in or out of political power. I refrain from further observation on this and kindred subjects, until more thorough examination ripens my judgment.

I may also mention, that to-day I was asked if I had any objection to receive a visit from certain Cretans, who, having come to Athens seeking admission to the Greek national chamber as "deputies," were, partly at the instance of the representatives of Great Britain and France, refused admission. Although informed that the proposed visit to me was not intended to be considered as official on their part, I thought proper to discourage the proceeding, expressing at the same time my readiness and pleasure to receive any and all who desired to see me in their individual capacity. I find it necessary to be cautious and circumspect, in my personal relations, with a community where party capital is manufactured out of very insignificant materials.

The affairs of Crete continue to be *in statu quo*. The Sultan's troops appear to be acting at present on the defensive, and blockade-running from this and other Greek ports goes on without molestation. According to the estimate of the prime minister, M. Bulgaris, with whom I had, to-day, a long and agreeable interview, the Cretans "under arms" in the island number about 12,000, and their opponents 20,000. M. Bulgaris states that the amount paid monthly for the support of the "refugee" Cretans now in Greece, and amounting to over 50,000 souls, exceeds the sum of 5,000 drachmas. This drain upon the treasury is very serious, and, in the present condition of the finances, cannot fail to excite apprehension for the future. There seem to be no signs of falling off in the determination of the government and people to sustain the cause of Crete—within the restraints imposed by the other powers. The present inactivity of Russia in the affairs of Crete serves to restrain the movements of those here who desire open interference, *coûte que coûte*.

The "verification" of the electoral votes—a long and tedious process, owing to the singular mode of casting the ballot at elections—still occupies the attention of the chamber. Much intemperate discussion has ensued, which yesterday, I regret to say, led to a personal *rencontre* in the chamber.

I have the honor to be, sir, your very obedient servant,
CHARLES K. TUCKERMAN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Tuckerman to Mr. Seward.

[Extract.]

No. 4.]

LEGATION OF THE UNITED STATES,

Athens, June 25, 1868.

SIR: Two demonstrations of sympathy with the people of the United States, on the part of Cretan refugees in Greece, seem worthy of official mention.

A few evenings since a procession, consisting of about 900 orderly and well-dressed children, of both sexes, halted in front of the hotel where I am lodged. They were accompanied by their teachers, certain American missionaries, who have devoted much time and attention to the education of these refugees since their arrival, in a destitute condition, on the shores of Greece. After singing a hymn, they saluted the American minister with cheers. On being apprised that the object of this demonstration was to express to the people of the United States, through me, their heartfelt gratitude for the charitable aid which they had received from my countrymen at home, I addressed them briefly from the balcony. I commended their appearance and the means which they were pursuing to become intelligent and useful citizens, and expressed the opinion that if their benefactors in America could but witness the spectacle which they then presented, they would feel abundantly recompensed for such assistance as—amid great domestic suffering existing in a portion of our own country—they had been able to extend to the refugees in Greece. With a hearty cheer the assemblage retired in the same becoming order in which it had approached. A few days subsequently I was waited upon by a deputation of Cretans accompanied by the Bishop of Kissamos and two priests. With great simplicity and feeling these people expressed their gratitude to their friends in the United States for the sympathy and aid extended by the latter to the suffering women and children refugees in Greece, and invoked a blessing upon the government and people of the United States.

In addition to these manifestations, the local newspapers have teemed with kindly sentiments towards me as the representative of a people whom they have for a long period regarded, and now more than ever regard, as friendly to the aspirations of Greece. Since my arrival I have been visited by large numbers of representative men, inspired by the same friendly sentiments and anxious to express them. In many instances I have felt it necessary to check on their part a tendency to political discussion, which, if encouraged by me, would do no practical good and might lead to political misapprehensions. The numerous attempts on the part of others to introduce through me to the United States government "petitions" of Greeks, not subjects of this kingdom, indicate the extremity to which they are driven in the present position of affairs. Although not openly admitted, it is evident that the feeling of discouragement in Crete is very great. * * * *

From conversations with observing men, Americans, English and Greek, as well as Cretans, who have recently arrived from the island, it appears that the insurgents were never in a more hopeless condition. They have heretofore been regularly in the receipt of supplies and ammunition from their sympathizers in Greece and elsewhere. Now the shipments of supplies are less frequent and the want of ammunition is becoming very serious. The policy of the foreign powers in this juncture adds to the general discouragement. By Greeks and Cretans the United States is regarded as the only disinterested and reliable

friend of Crete. The common people in Crete call "America" their "guardian angel who will eventually lead them to felicity." In what way this dream of the sufferers is to become a reality, or what may be the nature of the felicity hoped for, does not appear. I have, however, every reason to believe that the people of Crete would place themselves and their beautiful island under our flag, if means were open for the accomplishment of such an object. Those who are better acquainted with international law earnestly trust that before all hope is lost to them our government will address a remonstrance to the Porte, or an appeal to the three powers, whereby the independence of Crete may be hastened or assured. It is difficult for them to understand why, in perfect accordance with the spirit of our institutions and the policy of our government, we cannot, as a powerful and independent nation, use the force of argumentative appeal in behalf of a valiant and long suffering people whose sole desire is to govern themselves by right of nationality, religion, language, and liberty. I have very pleasantly discussed the "Cretan question," which is, in fact, the Greek question at present, with Photiades Bey, the Turkish minister, a very intelligent and agreeable gentleman. While his remarks did not materially confirm, they did not disturb an impression which I entertain, that the Sultan's principal objection to the relinquishment of Crete is the apprehension that the precedent would lead to insurrections in his northern provinces, and that, if he felt secure against what we must admit is a not unlikely consequence, he would, under moderate pressure, rid himself of a costly and annoying appendage. It is not difficult to imagine that the debt which Great Britain is permitting Turkey to accumulate may be extinguished by the peaceable cession of Crete to the former; a solution of the question which France, in view of her own possessions further east, might not consider it prudent to oppose.

As Greece is unquestionably the fountain-head of the insurrection in Crete, and from which its sustenance has been drawn throughout the struggle, there is not much probability that the people of this kingdom will abandon the cause which they have so long and ardently espoused.

I have the honor to be, sir, very respectfully, your obedient servant,

CHARLES K. TUCKERMAN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Tuckerman to Mr. Seward.

[Extract.]

No. 6.]

LEGATION OF THE UNITED STATES,

Athens, July 4, 1868.

SIR: I have received from our consuls at Canea, in Crete, and at Syra, confirmatory reports of a recent act of atrocity on the part of the Ottoman soldiers in Crete, of which the French consul is said to have been an eye-witness, the details of which have been furnished me, as per copy herewith, by the Greek minister for foreign affairs.

I receive with very great caution many of the reports in circulation from that distracted region, and I certainly shall not bring any to your notice which do not appear to be supported by corroborative evidence. Such enormities as are here said to have been committed on defenceless old men, women and children, be the number of victims small or great,

do not come within the "horrors of war," but seem to be the result of fanatical passions which the Turkish authorities, however much disposed to do so, cannot control. If, for want of means to continue the struggle, the Cretan insurgents are finally compelled to lay down their arms, I confess I do not see what protection to life and honor will be afforded them in the midst of a Turko-Cretan population who will be masters of the situation, and without moral restraints. Fortunately, or unfortunately for the people of Crete, the olive crop promises to be abundant, and in a few weeks will be ready to be gathered in. It is not however probable that the Turks will permit this harvesting on the part of their enemies. In such case will the temptation of oil and food be too strong to be resisted by the impoverished and half-fed Christians? If they continue the struggle in the face of such discouragements as are now gathering thickly around them, it will be an appeal for European intervention which the neutral powers can hardly withstand. A Greek gentleman called upon me yesterday with a letter from a member of the so-called provisional government of Crete, in which he is requested to ask me what would be the probable success of an appeal from the people of Crete for "protection from the United States." I reminded him that matters pertaining to the subjects of the Sultan do not fall within the province of this legation.

* * * * *

I have the honor to be, sir, very respectfully, your obedient servant,
 CHARLES K. TUCKERMAN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

OFFICIAL ACCOUNT OF THE MASSACRE IN CRETE.

[Translation.]

News has been received from Heraclea (Candia) bearing date June 10-22.

The 3d-15th of that month the native Ottomans, numbering about 2,000, formed themselves under the eyes of the local authority, and even with its approval, into a corps denominated *Zourida*, i. e., free corps, with the well-understood intention of making an incursion into the province of Pediade. They wished to avenge themselves for their late defeats, and they thought that, by the pillage and massacre of those Cretans who had already made their submission, they might accelerate the termination of the insurrection.

In fact, these bandits fell upon the villages of Embaro, Panagis, Sgouro, Kephali, Kassano, Martha, Karavadis, Meliarades, and Kassemis, and after completely sacking them, carrying off all kinds of animals and property, they put to death more than one hundred persons of both sexes, and returned in triumph, the 5-17th of that month, to the city of Heraclea, where they sold their booty without molestation.

The 4-16th of the same month, a detached party of the same corps put to death, in the village of Bedia, seven other villagers. The number of victims sacrificed in this manner between May 31st-June 12th and June 12-24th.

P. S.—Recent intelligence from Heraclea informs us that after this massacre the general government of Candia proceeded to Heraclea, under pretext of making an investigation and of punishing the guilty parties, but really in order to attenuate the atrocities committed. But the French consul in Candia had also gone in person to the places, the 14-26, and after obtaining authentic information on their acts of vandalism, he was convinced that they were in fact perpetrated by Ottomans.

Mr. Tuckerman to Mr. Seward.

[Extracts.]

No. 7.]

LEGATION OF THE UNITED STATES,
Athens, July 10, 1868.

SIR: I have had occasion to bring to your notice the flattering reception which I have met with in my official capacity at the hands of this government and people. These manifestations of sympathy with the United States continue. Monseigneur Théophile, the metropolitan archbishop, the head of the synod, and the highest ecclesiastical authority in Greece, called officially upon me a few days since. He wore the robe and insignia of his office, and the visit was intended to be marked and significant. I inclose a newspaper report, which appears to be substantially correct, of the remarks of his Holiness on the occasion.

* * * * *

Within a few days the Chamber has completed the much-prolonged and disputed "verification" of the recent popular elections. The result is that out of the one hundred and eighty deputies, twenty-seven have been excluded from the national parliament. Of these, fourteen were of the ministerial party, and thirteen of the opposition. It remains to be seen what will be the result of the re-election which will now be ordered to take place in the disputed districts. The well-established popularity of several of the rejected deputies cannot fail to cause them to be returned by their constituents in spite of the efforts of the ministerial party to keep them out of the Chamber.

* * * * *

Mr. Erskine, the British minister, informs me that the reported massacre in Crete, which I brought to your notice in my last dispatch, is fully confirmed by subsequent investigation, although the number of victims, as usual in such reports, is exaggerated. The Turkish authorities on the island are said to have been "highly incensed" at the barbarous acts of their soldiers, and to have caused many of the troops to be imprisoned. The governor general has also issued orders of a pacific character, but the insurgents have no faith whatever in Turkish statements or promises of reform.

I have the honor to be, sir, very respectfully, your obedient servant,
CHARLES K. TUCKERMAN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[From the Athens Courier, of July 3, 1868.]

[Translation.]

On the 27th of July, about noon, his Holiness the metropolitan bishop of Athens, accompanied by Dr. Gondas, as his interpreter, called upon his excellency Mr. Tuckerman, the United States minister. The customary compliments having passed, the bishop addressed Mr. Tuckerman as follows:

"YOUR EXCELLENCY: As a man who participated in our great struggle, which commenced in 1821 and which still continues, and as the head of the Greek clergy, I come to express to you, the representative of the great American nation, the gratitude of my companions in arms, not only those belonging to the orthodox clergy, but those of the entire Greek nation, for the many benefits of every kind which, not only during the old war, but during the present struggle in Crete, your countrymen have conferred upon the Christians of the east, who are fighting for religion, country, and liberty.

"I pray your excellency to transmit this expression of our deep thankfulness to your whole nation, and if it be possible, to every American citizen. Tell them what they have done for Greece is written in indelible characters on the Hellenic heart, and will be transmitted from generation to generation. The clergy of Greece will ever pray for the peace and prosperity of the world, but above all for these two nations, so closely bound together by the ties of friendship and of sympathy. Without the beneficence of America, the difficulties of our great struggle would have been much greater, and but for her generous aid many Cretan widows and orphans would have perished of hunger and of cold. May God bless the American benefactors of the Christians in the east!"

His excellency the minister resident of the United States thanked the bishop for his kind words, and expressed his sense of the honor conferred upon him by this visit. "The people of the United States," he remarked, "are well aware of the religious element in Greece, and how signally it was illustrated at the earliest period of her war of independence, when the patriotic archbishop of old Patras lifted the standard of the cross in the Peloponnesus, and inspired his countrymen with courageous determination. In the United States," his excellency continued, "although every form of religious worship is tolerated, perfect harmony exists; and although church has no connection with state, yet the safety of the state is based upon the religious and intellectual education of the people. It must be always so in Greece, and if ever peace and concord shall reign in the four corners of the earth, the result will be owing to the efforts of Christian teachers in spreading the influences of the gospel." The minister thought that perhaps an exaggerated importance is given to the sympathy of his countrymen for Greece. It is but the natural expression of the Christian mind, to conceal which would be an affectation.

In conclusion, his excellency the minister assured the metropolitan bishop that it would be his pleasure as well as his duty to transmit to the American people the words of sympathy and good will which had just been so feelingly uttered.

Mr. Tuckerman to Mr. Seward.

[Extract.]

No. 8.]

LEGATION OF THE UNITED STATES,
Athens, July 18, 1868.

SIR: After an active debate, the Chamber, on Tuesday last, accepted the "Address to the King," as prepared and approved by the majority of the committee.

Within a few days the Greek government has come to an understanding with the Belgian company, Langrand-Dumoncean, whereby the latter agrees to construct three connecting lines of railroad within the limits of Greece proper, without expense to this government; the latter conceding the necessary land required therefor, and certain mining and other privileges, and participating in the profits of the enterprise with the ultimate right of purchase. The estimated cost of construction is 140,000,000 of drachmas, say \$23,000,000, and the time seven years. These lines are to traverse the kingdom from Cape Sunium to the frontiers of Turkey, connecting the principal ports of the Peloponnesus with the isthmus of Corinth and with Athens, forming rapid communication with Brindisi, in southern Italy, and with the Austrian lines leading to middle Europe, and ultimately furnishing "the most direct and rapid route of travel between Europe and India." It would be interesting to dwell upon the details of this important enterprise, had not experience shown that "agreements" of such a nature, in Greece, are by no means guarantees of their accomplishment. This remark is no reflection upon the Greek character, since this enterprise, like that of the still uncompleted road between Athens and the Piræus, is exclusively in the hands of foreigners.

Mr. Stillman, in a recent dispatch from Canea, reports several conflicts between the insurgents and the soldiers of the Sultan, with results not

wholly in favor of the former. The small steamer *Enosis* has again successfully run the blockade, delivering a cargo of food, clothing, and ammunition. A considerable portion of the first two articles was shipped by the "American relief committee." In the regularity and number of her trips the *Enosis* is likely to equal the famous *Arkadi*. While this pendulum swings between Greece and Crete the movements of the insurgents will not be suspended. It is estimated here that the Cretan insurrection has cost the Porte upwards of \$70,000,000. A Turkish authority recently admitted to me that it had cost not less than \$15,000,000. The revenue of the island of Crete, in time of peace, is stated at 10,000,000 of francs, or about \$2,000,000. The conflict is disastrous to Turkey, Candia, and Greece beyond any calculation in figures, and humiliating as it must be to the Ottoman government to admit that the two years' waste of men and money is not likely to be compensated by the *voluntary* return of the Cretans to their allegiance, it is equally unfortunate for the people of Greece that this disturbing question is no nearer a settlement. It absorbs the popular mind, interferes with the circulation of national industry, and is productive of internal dissension.

I have the honor to be, sir, very respectfully, your obedient servant,
 CHARLES K. TUCKERMAN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Tuckerman to Mr. Seward.

No. 9.]

LEGATION OF THE UNITED STATES,
Athens, August 1, 1868.

SIR: The budget for 1868 has just been presented to the national chamber. The revenue is estimated at 33,508,000 drachmas—say \$5,500,000—being an excess of 1,215,665 over that of last year, owing to the prospect of abundant crops and increased revenue from imports. The public expenditure is estimated at 34,047,986, being in excess of the expenditure of last year 3,410,516. It is not improbable, in view of additional appropriations for extraordinary purposes, that the public expenditure will fully reach, if indeed it does not exceed, 39,000,000 drachmas. I shall on a future occasion endeavor to give you a comprehensive statement of the financial condition of this kingdom; as no recent official statements have been made, I must await the promised report of the minister of finance.

The Grand Duchess Alexandra Joséfoona, the mother of the Queen of Greece, accompanied by her son, the Grand Duke Nicholas, are at present the guests of her Majesty. The imperial party was joined for a few days by the Grand Duke Alexis, third son of the Emperor of Russia. A series of fêtes has been given to the duchess and her family since their arrival, and the diplomatic corps has been formally presented to the distinguished visitors. On this occasion the grand duchess expressed to me her strong feelings of interest in the United States, and, adverting to the reception of our naval officers at St. Petersburg, hoped that we were satisfied with the hospitalities which had been extended by the government of Russia to these officials; to which I suitably responded.

In a previous dispatch I called your attention to the promising condition of the olive crop in the island of Candia, and suggested that it

might affect the duration of the struggle for nationality. An end, however, has been put to any questions of this nature, by the acts of the Turkish soldiers, who, according to a report from Mr. Stillman, recently received by me, "have ventured on a course of devastation, which since Omer Pasha's time has been disavowed. Olive trees are destroyed by wholesale, and the loss is not that of the insurgents only, but of the island and the rich proprietors, who, as a general thing, have been averse to the movement." The Turkish government in Crete have ordered all Cretans who have families in Greece to bring them back, under pain of confiscation. I am not of opinion that this measure will have much effect upon the refugees here, who are disposed to remain while the government and relief committees continue to support them. A few families have, however, within a fortnight returned to Crete under the auspices, as he himself informs me, of Photiades Bey, the Turkish minister at Athens. A good deal of disease exists at present among the insurgents in Crete which relaxes the strength of the warfare. I append the copy of a petition which a portion of the insurgent military chiefs have recently addressed to Queen Victoria, but which others of the "general assembly of Cretans" are said to have disapproved of, as being a confession of weakness "unworthy a valiant people struggling for the right of self-government," and which virtually places them "at the mercy of Great Britain."

I have the honor to be, sir, your obedient servant,

CHARLES K. TUCKERMAN.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

[Translation.]

The undersigned, military chieftains of the Christian people of Crete, having assembled to-day, July 2, 1868, at Asomaton, in the province of Amari, and having taken into consideration the decree which has been submitted to us as a project, and which is conceived in the following terms:

THE GENERAL ASSEMBLY OF THE CRETANS,

Confiding in the noble and liberal sentiments of the great English nation, and the Cretan people relying upon it, decrees:

The Christian people of Crete founds its entire hopes upon the noble and humane solicitude of her Majesty Queen Victoria, begs her to take into consideration the holiness and justness of its cause and the great sacrifices which it has always made for its triumph, and to give her immediate succor for the speedy realization of the national aspirations, and by putting an end to a struggle so sanguinary and so unequal, add another noble and generous act to those which grace her crown and the glorious history of the great English nation.

The provisional government of Crete is charged to transmit the present decree.

Having taken into consideration this decree and having fully examined it, we favor and demand its textual adoption by the general assembly of the Cretans, and its transmission without loss of time by the provisional government of Crete to its destination.

CRETE, July 14, 1868.

The military chieftains.

[Here follow the signatures.]

Mr. Tuckerman to Mr. Seward.

[Extract.]

No. 11.]

LEGATION OF THE UNITED STATES,

Athens, August 6, 1868.

SIR: At a late hour last evening, I received a dispatch from Admiral Farragut, dated on yesterday, "off Syra," informing me that he was on

his way to Constantinople with the United States steamers Franklin and Frolic, and requesting me to telegraph for a *firman* for the latter vessel to pass the Dardanelles, with himself and staff; which I accordingly did. The admiral also informed me that he arrived off Syra "in time to join in the congratulations of the people of Greece to their sovereign, upon the safe delivery of her Majesty of her first-born." The birth of an hereditary heir to the crown of Greece, which formed the subject of my last dispatch, continues to elicit from the people and the press expressions of unaffected satisfaction. * * * A *native-born* prince, who indeed, if he reigns, will be in fact the first Greek King recorded in history; who, in conformity with the Hellenic constitution, must profess the tenets of the orthodox or "Greek" church, will do more to fix the wavering mind upon the inevitability of monarchism in Greece, than could any event or circumstance at the present time. Whatever dreams of republicanism may have at times disturbed the popular mind here, the true friends of the Hellenic race cannot but perceive that such ideas are incompatible with the character of the people and the political surroundings of the kingdom.

The ministerial counsel is, I think, more a unit than it has been, upon the necessity for providing funds for the support of the Cretan refugees, and thus indirectly supporting the insurgent movement in Candia. Some differences have heretofore existed on this head, not from want of interest in the struggling Cretans, but solely from financial considerations. The outside pressure has, however, overruled these objections and the refugees will continue to be sustained at the public charge. The opposition has pressed the government for an explanation of the apparent apathy on its part with regard to the affairs of Crete. The answer has been, that at a proper time the correspondence will show that no apathy exists; and that the present government has done more for Crete than the preceding ministry. With this answer the interrogators profess to be content. I have reason to believe that remonstrances to this government on the part of France have been of so unequivocal a character as to account in a measure for the seeming inactivity of the ministry in Cretan affairs.

I have the honor to be, sir, respectfully, your obedient servant,
CHARLES K. TUCKERMAN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Tuckerman to Mr. Seward.

[Extract.]

No. 13.]

LEGATION OF THE UNITED STATES,
Athens, August 20, 1868.

SIR :

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The joint resolution of Congress in behalf of Cretan autonomy, which passed July 20, two days after your acknowledgment of my dispatch containing a suggestion of a similar character, has been received here with unqualified satisfaction, and great interest is expressed in the forthcoming letter of the Secretary of State to our minister at Constantinople, in pursuance of said resolution. This resolution of Congress, passed by a unanimous vote, was declared by Mr. Myers, representative from Pennsylvania, "to be responsive to the wishes of the American

people." It is so regarded here, and hopes are being built upon it by the sanguine people of Greece, which I fear will not be fully realized. This expression, however, on the part of the United States, comes at an opportune moment. The apathy of Europe, as regards the Cretan question, the inability of the Greek government and people to offer material aid to the insurgents in Candia, and the wretched physical condition of those people, have of late driven them to a condition of almost hopelessness. In their despair they cry aloud for help and look towards the United States with an earnestness which inspires sympathy in the beholder. Indeed, it is impossible to hear, as I do almost daily, the passionate appeals of the representatives of these valiant and suffering people, without emotion. The political solution of the Cretan question becomes of far less importance than the immediate question of relief to these sufferers—sufferers whose cause, even if it were a bad one, has been upheld with such confidence, patience, and heroism, as to entitle it to the earnest consideration and decisive action of the neutral powers. As a citizen and public servant of the United States, I fervently hope that the appeal of our government to the Porte in behalf of the people of Crete will result in *positive* reforms, which sooner or later may lead to the entire independence of the island of Candia.

Referring to the enclosures herewith, I have the honor to be, sir, very respectfully, your obedient servant,

CHARLES. K. TUCKERMAN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

NOTE.

The national assembly of the Cretans and the provisional government of Crete have issued the following decrees:

Considering the continual demonstrations in the United States in behalf of our sacred struggle, and the aid of various kinds that continues to be sent from America in support of our war of independence and for the relief of the victims of Turkish ferocity, the national assembly of the Cretans decrees:

1st. The deep gratitude of the people of Crete to the people of the United States of America shall be made known to our American benefactors.

2d. The provisional government shall carry into effect the present decree.

BRYSAI OF AMARION, CRETE, August 1-13, 1868.

A PAPPAYANNAKES,

President.

[Here follow the names of the members.]

The provisional government of Crete to the people of the United States of America:

The general assembly of the Cretans has charged us by its decree of the 1-13th instant to communicate to you, in the name of the people of Crete, an expression of our deep gratitude for the aid of every kind sent by you in support of our sacred struggle, as well as for the relief of the victims of Turkish ferocity. We thank you also for the boundless sympathy you evince in behalf of a people fighting for the recovery of their freedom.

The philhellenism now manifested in America reminds us of what was done in your glorious country during the panhellenic war of independence which commenced in 1821; and we perceive with the greatest pleasure that the children of the American philhellenes of that period have proved worthy of their parents.

With heartfelt gratitude to the American people for their generous contributions to Crete, we feel assured that you will continue to accord your material and moral support to the most sacred and legitimate of causes, a cause which, from its special character and the unprecedented sufferings attending it, has become worthy of the sympathies of every civilized nation.

BRYSAI OF AMARION IN CRETE, August, 1868.

I. IAMLAKES,

General Secretary.

[Here follow the names of the members.]

Mr. Tuckerman to Mr. Seward.

No. 14.]

LEGATION OF THE UNITED STATES,
Athens, September 10, 1868.

SIR: The United States flag-ship Franklin, under command of Admiral David G. Farragut, accompanied by the United States steamer Frolic, Captain Harmony, arrived at the Piræus, port of Athens, from Constantinople, on the afternoon of Monday, 31st of August. The acting United States consul immediately proceeded on board and was received with the customary salute. On the following day the admiral and suite visited Athens and at once called at this legation, where it afforded me the highest gratification to receive them. We soon after proceeded to pay the customary official visits, and the admiral and suite were presented by me to the prime minister, the ministers of foreign affairs, of justice, of religion, and education, and subsequently to the ministers of marine and of war. We also called upon all the members of the diplomatic corps resident at Athens. The admiral was received with great cordiality by all these officials, each of whom alluded to his illustrious career and expressed much pleasure at being brought in contact with him. On the following day the admiral and his family were visited by many of the residents of Athens.

Thursday, September 3d, being the day appointed for the public baptism of the prince royal, was observed with much pomp and ceremony; the buildings were decorated with flags and devices; business was suspended, and the people gave themselves up to general rejoicings. The ceremony at the cathedral was in the highest degree imposing. The edifice was crowded with the chief representatives of church and state, and presented a magnificent spectacle. Prominent places were reserved in the cathedral for the diplomatic corps and for the admirals and commanders of ships-of-war, all of which bodies were present.

The god-parents of Prince Constantine are the Queen and Prince Royal of Denmark, the Princess of Wales, the Grand Duchess Alexandra Josephovna of Russia, who held the child during the ceremony; the Duke Joseph, of Saxe-Altenburg, and the Grand Duke Nicholas. On the same day the King and Queen received the diplomatic corps at the palace, on which occasion, by previous arrangement, I had the honor to present Admiral Farragut and the officers of the Franklin to their Majesties. The King received each with a cordial grasp of the hand, and an expression of hearty good will. On approaching the Grand Duchess Alexandra, her Highness advanced from her position to take the hand of the admiral and to repeat the assurances of Russian sympathy with the United States, which have been so emphatically expressed to the officers of the United States navy whenever circumstances have brought them in contact with any of the members of the imperial household. On the same evening, the admiral and suite met the American residents of Athens at the house of the United States minister. On Friday, the 4th, Mrs. Farragut was presented to the Queen by the wife of the minister, and on that evening the admiral and suite were present, by invitation of the King, at a grand banquet given at the palace to the diplomatic corps, government officials, and other distinguished guests, on the occasion of the baptismal fête. The seats assigned at table to the officers of the Franklin were directly in front of the King. His Majesty, in compliment to these guests, wore the naval uniform. During the dinner he pledged their healths, which was the only toast drunk by him on the occasion. On Saturday, the 5th, I made my official call

on board the Franklin, and received the usual salute. Later in the day, the Greek officials and diplomatic corps visited the ship and were saluted. The King having expressed his desire, and that of the Grand Duchess Alexandra Josephovna, to visit the Franklin, Monday, the 7th of September, at 1½ o'clock, was named by him for the visit. At the appointed hour, his Majesty, accompanied by the Grand Duchess and the Grand Duke Constantine of Russia, the mother and the brother of the Queen of Greece, went on board with their respective suites. I was present with the admiral and officers to receive the distinguished guests. The King was in the naval uniform. The Grand Duchess wore a necklace of precious stones, and upon her breast a ribbon, both decorations representing the emblematic colors of the United States. After the royal salute, the visitors were conducted over the ship, which they examined with interest, expressing admiration at the condition and appointments of the Franklin, which indeed reflect great credit upon the commanding officer, Commodore Pennock, as well as upon the admiral and the Navy Department. The royal and imperial party were then received in the admiral's cabin by Mrs. Farragut, and partook of a collation. The most significant point in this visit was its duration, the Grand Duchess intentionally prolonging her stay on board to nearly three hours, a circumstance which emphasized the national compliment, and which did not fail to cause comment in official circles here. This account would fail to be complete did I omit to mention that during the repast on board the Franklin his Majesty the King was pleased to drink my health with this sentiment: "To our perpetual friendship, and to the perpetual friendship of the two nations." On the same evening, Admiral Farragut honored me with his presence at dinner. Besides the members of his staff, there were present the ministers of foreign affairs and of marine, and the Turkish, British, and Russian ambassadors, with their wives. On the day of her arrival, and during the stay of the Franklin in these waters, she excited great interest among the Cretan refugees. Thousands of these poor sufferers lined the shore or gathered around the vessel in boats. Several petitions and addresses were presented to the admiral on their behalf, which were kindly received, and before sailing the admiral and officers made a liberal contribution in money and clothing, for the relief of the refugee women and children of Crete. On the 7th instant, in consequence of a telegram received from our minister at Constantinople, the admiral dispatched the Frolic, Captain D. B. Harmony, to the Turkish island of Scio, to investigate the circumstances of the arrest of a Greek, said to be a harbor-master, in the employ of the United States consular agent at that place. Captain Harmony returned yesterday from this expedition, and has reported the result of his investigations to Mr. Morris by letter. He is not of opinion that any further action on his part is called for in the premises. The admiral, with the vessels under his command, left the port of Athens this morning at an early hour for Trieste. I visited the flag-ship last evening, and expressed to the admiral and officers the great satisfaction which their visit has afforded to the government and people of Greece, the evidence of which is everywhere manifested. "Tell them," said an intelligent Greek publicist to me, "that Greece has to-day but one *sincere* friend, and that is the United States."

At the time of the Franklin's visit, there were lying in the port of Athens the French frigate *Thémis*, 50 guns, and French brig *Rolando*, the former having on board the admiral; also the Russian flag-ship *Minerva*, Admiral Bontakow.

I feel that, for obvious reasons, I need not apologise for having brought to your notice many of the details of Admiral Farragut's reception at Athens.

I have the honor to be, sir, your very obedient servant,
CHARLES K. TUCKERMAN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Tuckerman to Mr. Seward.

[Extract.]

No. 16.]

LEGATION OF THE UNITED STATES.
Athens, September 19, 1868.

SIR: The reassembling of the Chamber of Deputies, the premature dispersion of which some weeks ago caused much discomfiture to the ministerial party, is now expected to take place during the coming week. The members who are now in Athens are, however, few in number, and it is apprehended that a majority will not be present for some weeks, in which case the vote on the budget will be yet further postponed. The newspaper reports of "conflicts" between the troops sent to the province of C tylon to preserve order, and the friends of M. Commoudouro, the opposition candidate, who wished to force an election, are unfounded. The government seems disposed to postpone to an indefinite period the re-elections in the disputed districts, and popular feeling is much excited thereby, but as yet there have been no serious disturbances of the peace.

A few hundred more of Cretan refugees have returned to the island, under the auspices of the Turkish legation at Athens. The embarkation of these people has been seriously opposed by their fellow-countrymen here, and it has been found necessary to employ a guard to protect their departure. From Crete itself I have detailed information, from a reliable witness, who has passed two months with the insurgents, that there is no evidence whatever of a falling off in the enthusiasm of the Cretan chiefs or soldiers. The whole body of the latter actually under arms, or in a position to be so at any moment, numbers but seven thousand. They, however, have possession of the greater portion of the mountain-ranges extending from a point on the southern coast near Sphakia, and extending easterly and northeasterly, including the range of Mount Ida in Central Crete. This shows, nominally, about one-half of the territorial surface of the island in the possession of the insurgents, while the flat country is held by the soldiers of the Sultan, against the cavalry attacks of which it would be impossible for the insurgent troops to stand. The mountain defenses being equally insurmountable by the Turks, it follows that, with a sufficiency of food and ammunition, this "guerilla," but not, as has been stated by the London Times, "thieves'" warfare, may be kept up for an indefinite period. Certainly, we may look for its continuance all the coming winter, should no foreign intervention occur. I think there exists no doubt of the fact that the Greek government and the "central committee" are in accord on the subject of the Cretan struggle, and that the popular pressure will force means of supply, in defiance of attempts on the part of the conservative element to let Crete alone.

The Cretan insurrection has probably cost the Greek government, thus

far, 15,000,000 of drachmas, say \$2,500,000, which is a very serious sum in view of the state of the treasury and condition of the finances.

The provisional government of Crete has received, as I am privately informed from an official source, an intimation from Mr. Elliot, her Majesty's representative at Constantinople, that the recent appeal of the Cretans to the British Crown will be ineffective. It is now proposed by the insurgent chiefs to address a joint memorial to the three powers. Much interest continues to be expressed in the note which, it is understood, Mr. Morris expects to receive from the Secretary of State in accordance with the resolution of Congress in behalf of Crete.

I have the honor to be, sir, your obedient servant,

CHARLES K. TUCKERMAN.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Tuckerman to Mr. Seward.

No. 17.]

LEGATION OF THE UNITED STATES,

Athens, October 3, 1868.

SIR: I have the honor to acknowledge the receipt of your three dispatches of August 31, Nos. 7, 8, and 9.

The national Chamber of Deputies resumed its sittings on Monday last, and with a fair prospect of disposing of various important questions, which the unexpected adjournment of the chamber had left in a very unsatisfactory condition. It was evident at that time that a partial if not an entire change in the ministry must be effected, in order to reconcile parties on pending questions, many of which were to be made the handles for more violent personal attacks upon the ministry by the opposition. It was as evident to the partisans as to the opposers of the prime minister, that no important measure could be carried without more harmony also among the friends of the administration. Under pressure from the latter, Mr. Bulgaris consented to receive the resignations of Mr. Simos, minister of finance, and Mr. Barboglis, minister of justice. The successor of the former, Mr. Balassopoulou, and of the latter, Mr. Antonopoulou, have served in former ministries. Mr. Simos, the retiring minister of finance, is universally recognized as a man of marked ability and integrity, and one not easily replaced in the peculiar department in which he has served. Whether those who demand a more *liberal employment of the public funds* will be gratified in this respect by the new administrator, remains to be seen. An empty treasury, and full appropriations for every drachma of revenue, with a deficit of many millions, if the present "extraordinary" expenses continue, offer little opportunity for either extravagance or economy. One of the motives for the change of ministers—which does not appear publicly—is the necessity which exists for certain changes in the *personnel* of the judges, before the consummation of the act which makes the members of the courts of adjudication, of appeal, and of accounts, *irremovable*. This act goes into effect on the 17th of November next. Mr. Bulgaris is said to have made other concessions to his friends, particularly in respect to the "distinction of the powers," which have tended to strengthen his position. This was shown in the vote upon the question of the royal ordinance, which conferred upon the prince royal the title of the "Duke of Sparta." It was contended that this decree is contrary to that provision of the con-

stitution which forbids titles of nobility in Greece, and that it is likewise "at variance with Hellenic manners and traditions." The president of the council, Mr. Bulgaris, declared that the constitution "opposed all inequalities of condition between Greek citizens; but this did not concern the members of the royal family." The minister was sustained by seventy-eight voices against twenty-six, a majority which, as indicating strength in more important matters, promises a longer continuance of the present ministry than was anticipated at the close of the last session. I think that I perceive in the government, as at present organized, a more independent action with regard to foreign affairs, and, if I mistake not, this will result in open expressions of displeasure on the part of England and France, whose material interest it manifestly is to stop Greek agitation, particularly on the subject of Crete. This seems, however, a hopeless task; both the struggle itself, and the agitation which initiated and keeps it alive, have become chronic. In Athens, the committees of relief have lately received fresh contributions of funds—from what source does not appear—and these seem to be sufficient to sustain the refugees in Greece, and the fighting Greeks in Crete, for several months to come. I am privately informed, and have reason to believe the statement, that a body of "volunteers" is being drilled and armed, with the intention of proceeding to Crete to aid the insurgents. This shows the revival of an element which was prominent at the commencement of the war, but which failed of success. But there is nothing in these circumstances which promises any material supremacy to either combatants. The insurgents in Crete have shown themselves unable to meet the conflict at arms on the open field and in the presence of Turkish cavalry. It is equally certain that the mountain-fastnesses are inaccessible to the Turks in any force likely to be sent to face such perils. The warfare may therefore be prolonged indefinitely. This fact should be considered gravely, in considering the action or rather the non-action of the three powers. As to Prussia, whose present weight in the political scale will force her, some time or other, to join in the European sentiment on Greek affairs, I feel assured that her lately increased commercial interests in Turkey will cause her to be found in accord with Great Britain and France. It is thus evident that the American idea with regard to Greece, to say nothing of Crete, is not that of Europe, and that it will be ineffective against such material interests as I have hinted at, unless pronounced in the most unequivocal terms and with an emphasis which shall command for it attention. The King is about to return from Cephissia, where for some weeks past he has remained in camp, living the life of a soldier, while in command of the regiments which have been encamped there during the summer. The Greek government has just signed a contract for fifteen thousand "Remington" United States rifles, for the use of the army.

I have the honor to be, sir, respectfully, your obedient servant,
 CHARLES K. TUCKERMAN.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Tuckerman to Mr. Seward.

No. 18.]

LEGATION OF THE UNITED STATES,
Athens, October 17, 1868.

SIR: The affairs of Crete have assumed a new phase, which, viewed from this point, is significant. An assembly calling itself "the representa-

tives of the Cretan people," took place recently at Lividia, province of Milopotamo, in Crete, at which an address to the foreign ministers at Constantinople was signed by certain chiefs among the insurgents.

I inclose a translation of this address, or petition, which has not yet appeared in print. The chief point, as you will perceive, is, that these insurrectionary leaders express themselves willing, under certain guarantees, to acknowledge the sovereignty of the Sultan, and to abandon the project of the annexation of Crete to Greece. Although this appeal is signed by a portion only of the Cretan chiefs, while such prominent men as Criari, Koraka, Spakiaraki, and other chiefs of the insurrection, have not signed it, and very likely will publicly repudiate it, it cannot be denied that the moral effect of the measure will seriously prejudice the cause of the insurgents. The division of sentiment among those who direct their military affairs is of itself sufficient to awaken grave doubts as to further important successes in arms. With the great object of ultimate independence removed from before their eyes, it can scarcely be supposed that the vigor and determination which have heretofore characterized the insurrection will be sustained. The public admission on the part of even a small number of the chiefs, that annexation to Greece is no longer to be regarded as a *sine qua non*, will serve to relax the efforts of Greece in behalf of the insurgents, without whose inspiration the insurrection would never have been commenced, and without whose aid it would long since have failed from inanition. This movement in Crete is doubtless the result of English counsel, and shows it to be recognized as the expression of the general desire of the Christian population of the island. An effort will doubtless be made by the powers to effect a compromise with the Porte. It remains to be seen how far the more important leaders in the insurrection will be able to neutralize the effect of this action by a more emphatic declaration of their own intention to prosecute the war until the independence of Crete is acknowledged by Turkey. Meanwhile, notwithstanding an effort which is made here to treat this affair as of no particular significance, it is evident that unusual exertions will be required on the part of the insurgents in Crete, and the friends of "the cause" here, to overcome the public disappointment which the reception of this news has caused. But disappointment is not the word to express the feeling which would be aroused in Greece should the long-cherished idea of Cretan annexation to Greece fall to the ground in consequence of this appeal. Too many millions of drachmas and too much political energy have been expended by Greece, during the last two years, to achieve an object which, if frustrated without some compensating advantage, would lead to internal dissensions threatening the very safety of the state. It is easy to foresee that in the event of the Cretan failure, causes will be assigned not wholly consistent with the facts of the case, and that the shafts of the opposition will be leveled with redoubled power against the Greek government. This party has not hesitated for many months past to attribute the languishing condition of the Cretan warfare to the apathy of the present ministry, if not, indeed, to the premeditated intention of the prime minister to support the British policy. However bitter might be the feeling of the people of Greece towards their fellow-countrymen of Crete for having unnecessarily and ungratefully abandoned the contest, which if persistently pursued might have led to independence and annexation, they would probably refrain from irritating accusations, in the hope of yet attaining the desired object under more favorable circumstances. Certainly Greece will never abandon a claim which her sympathies and material interests have caused her to labor for with such persistent devotion for so long a period, and which her

personal sacrifices have in a manner established as her right. Under these circumstances, I do not believe that any compromising measures can secure to the Cretan question a permanent solution, or that any form of allegiance to a government which these people detest can secure permanent peace to the nation or satisfy the requirements of the protecting powers. As the United States have openly advocated the right and the necessity of Cretan independence, so I believe it will be found that any measures short of this will, in the end, be unsatisfactory to Europe. Great Britain is, from her present position, the most fitting arbiter, so far as her influence upon the Ottoman government is concerned, in the question of Crete. Unfortunately, Great Britain entertains a contrary opinion, believing that her own interests are better conserved by the maintainance of the *status quo*. In this policy she apparently forgets the teaching of one of her own eminent statesmen, and which political experience has most thoroughly exemplified in the case of the Greek and the Turk, viz, that "forms and stipulations can never unite populations which are dissevered by sympathy."

I have the honor to be, sir, your obedient servant,

CHARLES K. TUCKERMAN.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

[Translation.]

The Christian people of Crete, who took up arms more than two years ago, determined to regain their liberty, and who have carried on an unequal contest against all the forces of the Ottoman empire, have witnessed with fortitude and self-sacrifice their sacred temples profaned and destroyed, their homes and lands pillaged and burnt, their innocent and helpless women and children either insulted and killed, or dying from hunger and cold, and their brethren and relatives falling in various battles, looked upon their national re-establishment and political union with free Greece as the only full compensation for their past and present efforts.

As, however, the Christian powers of Europe have not, up to the present time, agreed to put a stop to the shedding of blood and to carry out the national wishes of the Cretan people, they (the Cretans) have chosen as their representatives the gentlemen whose names are given below, and have authorized them to apply to those Christian powers of Europe who signed the treaty of 1856, at Paris, and to entreat them to negotiate that this people may obtain a form of government recognizing in reality the sovereignty of his Majesty the Sultan over the island, but established on a basis which will secure the equality, prosperity, and progress of both races. In accordance with the wishes of the Cretan people we, the undersigned, met together, and after mature deliberation have decided that the form of government suitable to the necessities and circumstances of the people, guaranteeing their prosperity and progress, and preventing similar misfortunes in future, is the one herewith inclosed, which we submit to your excellency, and through you to the government of the United States. We hope the government of the United States will take into consideration the past and present efforts of the Cretan people, and will act as it thinks best, that they may obtain their just demands and a cessation of hostilities, so that further misery and bloodshed may be prevented.

The Christian people of Crete, recognizing the deep sympathy of the American people towards them, and being deeply grateful to the noble nation for the assistance rendered to their suffering women and children, consider it their duty to communicate to your excellency the petition to the representatives of the six great European powers, and they hope that your excellency will use your influence to bring about a cessation of hostilities and the fulfillment of their just demands. To this end the following gentlemen, Corta, Voladaki, &c., have been instructed to forward this petition, and to continue the negotiations for our demands, and to receive an answer from the ambassador.

Your most obedient and humble servants,

[Here follow the signatures.]

LIVADIA, PROVINCE OF MYLOPOTAMO,

September 24, (October 6,) 1868.

Mr. Tuckerman to Mr. Seward.

[Extract.]

No. 20.]

LEGATION OF THE UNITED STATES,
Athens, October 31, 1868.

SIR: * * * * *

The unsatisfactory condition of the Cretan question has embittered the public mind and accounts for much of the acerbity in the discussions of the Chamber. It seems to be the generally received opinion here that the disaffection of the chiefs, as recently reported to you, is a blow from which the insurrection can scarcely recover. Some unexpected political turn in the European combination may impart new vigor, but at the moment it looks as if the affair would dwindle to proportions which will permit a freer exercise of power on the part of the Turkish authorities in Crete than circumstances have for a long time past permitted; it may even go so far as the acknowledged recognition of the Ottoman supremacy; but unless the character of the people of Crete has been totally misrepresented and the aspirations of the Greek nation grossly exaggerated, the spirit of revolution in that island will but slumber, restlessly, until opportunity gives fresh occasion for revolt. This will be the conclusion drawn by the people of this kingdom, even should the war in Crete be officially recognized as being at an end. The independence of Crete and its eventual annexation to Greece is regarded as an absolute political necessity, the progress, and, indeed, the life of the kingdom being dependent upon its territorial enlargement. This may be considered as a tenet of the political faith of Greece, hence any check which the Cretan movement may receive will be a postponement, not an abandonment, of the struggle for independence.

* * * * *

A report, said to be official, of the actual number of Cretan emigrants in Greece, has been circulated by the French legation here; this shows but 39,269 left from the original number, generally reported at 60,000. It is known that many have died from exposure and want of food before the necessary arrangements could be effected for their well-being. This would account for, say, 5,000, principally children. The Turkish minister informs me that between 4,000 and 5,000 have returned to Crete under his auspices, which leaves some 11,000 unaccounted for. It is important to keep these statistics before the mind, in view of the contributions which America and other nations have made, and are still making, for the relief of these sufferers. * * *

I have the honor to be, sir, your obedient servant,

CHARLES K. TUCKERMAN.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Tuckerman to Mr. Seward.

[Extract.]

No. 22.]

LEGATION OF THE UNITED STATES,
Athens, November 7, 1868.

SIR: The National Assembly adjourned on the 5th instant, having voted the budget for 1868, amounting to about 34,000,000 drachmas for

the ordinary, and about 12,000,000 drachmas for the "extraordinary" expenses of the kingdom, being greatly in excess of the expenses of any previous year, and leaving a deficit in the treasury of some 10,000,000 or 12,000,000, which can only be provided by a fresh loan. This loan for 25,000,000 of francs has been authorized by the Chambers at five per cent., but with whom can it be negotiated? It is understood that England will take it at the rate of fifty per cent., which would in reality be supplying the amount wanted immediately for current expenses at the annual interest of ten per cent., with an indebtedness added to the nation of twice the sum actually borrowed by it. The efforts of the government to compromise with the holders of the old five per cent. loan of 1824-'25, contracted under circumstances of great national peril at fifty-six and fifty-nine, are impeded by the opposition of the British minister here. It is not improbable that the loan now asked for may be negotiated in England at a better rate than is now offered, if the Greek government will modify its views regarding its ancient indebtedness. Before the adjournment of the Chamber the prime minister proposed a vote of thanks to the United States Congress and people, for their expressions of sympathy in behalf of Crete. The resolution passed unanimously, and the result was received with loud cheers.

* * * * *

I have the honor to be, sir, your obedient servant,

CHARLES K. TUCKERMAN.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Tuckerman to Mr. Seward.

No. 23.]

LEGATION OF THE UNITED STATES,

Athens, November 14, 1868.

SIR: The result of the presidential election was received here by telegraph on the 9th instant. The triumph of the republican party and the election of General Grant are considered by the government and the people of Greece, so far as I can judge by the expressions of individuals and by the spirit of the public journals, as likely to tend to the restoration of public order at home, and the renewal of confidence abroad. The Greeks sincerely desire the perpetuity and grandeur of the United States, and the congratulations offered to me on this occasion by the members of the government and by leading citizens are but the expressions of the honest sentiments of the people. The name and public services of General Grant are familiar in Greece, and his good judgment, moderation, and firmness of character are believed to be ample guarantees for the future peace, unity, and prosperity of the United States. In this sentiment I most thoroughly concur.

The Greek minister of foreign affairs, her British Majesty's representative, and the minister of his Majesty the King of Italy, have called upon me officially to offer their congratulations on this occasion; and last evening, at a dinner at the Turkish embassy, the other members of the diplomatic corps referred to the quiet and successful election with similar sentiments.

I have the honor to be, sir, your obedient servant,

CHARLES K. TUCKERMAN.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Tuckerman to Mr. Seward.

No. 24.]

LEGATION OF THE UNITED STATES,
Athens, November 21, 1868.

SIR: I have the honor to acknowledge the receipt of your dispatches of October 24, Nos. 11 and 12, the contents of which are duly noted.

The King has convoked an extraordinary session of Parliament, which commenced its sittings yesterday. During this session the government will endeavor to pass certain measures of relief, necessitated by the present unfortunate condition of the finances. The most important of these is the proposed loan of a million of pounds sterling, upon which no definite action was taken at the last session. Should this fail, and the present unsatisfactory relation continue between the government and the national banks, it is not improbable that the former will carry out its threat to issue a paper currency, in the hopes of "tiding over" the existing deficiency. It is scarcely necessary to say that such a course, without a basis of national wealth to sustain these paper promises, would be suicidal. In imitating the acts of greater nations in their hour of need, the Greeks do not sufficiently investigate the differences of condition on the relations of cause and effect.

The public mind has been much disturbed lately by the increasing numbers of returning emigrants to Crete. The opposition hold the government responsible for the humiliating fact that Greece offers no inducement for these refugees to remain, but virtually plays into the hands of Turkey by favoring their departure. I do not think there is the slightest desire on the part of this government to yield a single point in the principle maintained by the Greek people in the Cretan question; but in view of the absolute necessity for economy, and the restlessness of the emigrants themselves, who are illy provided for, and whose friends at home encourage the idea of their return, the government offers no impediment to this backward movement. That these poor creatures desire any change from their present condition is evident from the fact that many hundreds have applied through this legation for passage to the United States. If transportation were practicable, these people are not of a class to benefit themselves or the country by such removal. The industrious Cretan need never be a beggar; unfortunately, these refugees consist mostly of persons who, by age or infirmities, are unable to help themselves. Within a few days public spirit has revived under the reports that a large army of volunteers are about to proceed from Greece to Crete to infuse new vigor into the insurgent cause. The fact is, that about three hundred armed volunteers have actually left, and this number will probably be increased from other parts of Greece to one thousand, under the leadership of a well-known chief. The new French minister, Baron Baudin, has submitted to the Greek government a proposal from a French company to cut a canal through the Isthmus of Corinth. Such a project, as you are aware, has been often mooted, but the present may possess elements which give it probability of fulfillment.

I have the honor to be, sir, your obedient servant,

CHARLES K. TUCKERMAN.

Hon WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Tuckerman to Mr. Seward.

No. 26.]

LEGATION OF THE UNITED STATES,
Athens, November 25, 1868.

SIR: Referring to my dispatch No. 25, in which I had the honor to hand you, in original, a decree of the Greek Chamber of Deputies, with accompanying documents, I now inclose translations of the same, together with my reply to the minister of foreign affairs.

The documents sent you last mail, were handed me in advance of the copies which I understand the government intends to forward to the Greek legation at Washington, that I might make such disposition of them as appeared to me best, and I was at the time verbally assured that the sentiments therein expressed applied also to myself as the "sincere and avowed friend of Greece." This decree of thanks originates in a deep-seated sense of gratitude in the hearts of the Greek people, and it would avail nothing were I to attempt to conceal the fact that this sympathy with the United States is heightened and intensified by a reverse sentiment towards the great powers of Western Europe.

Since my official residence here it has been my aim to investigate the political and social condition of the people, in the hope of arriving at an unprejudiced judgment. The efforts of interested parties to warp that judgment have been ingenious, and I may say unremitting; but to the frankness and confidence of the Greek people themselves I am chiefly indebted for an exposé of political defects, which their worst enemies could hardly have portrayed as vividly.

In spite of these evils in government and society, the great fact stands boldly forth that here exists, and in perpetual agitation, an original and distinctive people whose vital breath is liberty. This people can neither be crushed by their neighbor, whose principle is absolute monarchism, nor set aside by the great powers of Western Europe, by whom Greece is regarded as little better than a "political nuisance." These powers are at this moment exercising three distinct influences upon the kingdom; yet all unite in repressing the natural aspirations of her people. Russia's interest in Crete doubtless ends there. The possession of Crete by Greece, in other words, the separation of that island from Turkey, would assist the ambitious views of the Russian government, and so far weaken the anti-church influences of the Porte. It is impossible to say whether Great Britain has any ideas of future territorial conquest in the east of Europe; probably this is a matter of indifference so long as France shows no inclinations in that direction. If the assertions to me of their representatives here are of weight, then Great Britain and France are *each* "the only true friend which Greece has." The Greeks, however, do not place unbounded faith in such statements, but, on the other hand, knowing that the United States has no territorial interests in the matter and is simply and sincerely desirous that free institutions should succeed wherever they may be planted, give their unbounded confidence to that distant republic, instead of their nearer and less disinterested neighbors. Of that confidence I have been a recipient, as you are aware, from the throne and from the people; not in the way of self-exaltation on their part or flattery towards myself, but in the way of earnest consultation and appeal. On the other hand, I am forced to admit to you that, in spite of the assertion of friendship on the part of the representatives of England and France, I have never once heard from either, in our conversations on the subject, one single word of approbation for the Greek government or her people. The end and object of these powers seem at

present to be to keep Greece quiet on external questions, which, if agitated, may affect the so-called "equilibrium" of Europe, but which, if not agitated, will, in the Greek point of view, keep her forever hemmed within limits which her natural aspirations compel her to attempt to expand.

What Greece requires, besides economy of political administration, is a friend whose example in good government shall be strengthened by material influences. Greece has not natural strength enough to rid herself of her own burdens. This strength may come to her, but she must be encouraged to seek it in the right way. She does not find this encouragement in Europe, or thinks she does not, and hence she is loth to let go the hold which she has on American sympathies. That the United States may be of essential service to Greece in her present position appears to admit of no dispute. Shall this service be strictly confined to votes of sympathy by Congress? The Greeks hope that, in the affair of Crete, the United States will feel itself justified in *at least* urging upon the Christian powers of Europe such interference as will protect the general interests of humanity where "infringed," as they believe in the present case they have been, "by the excesses of a barbarous and despotic government." (Wheaton.) On the other hand, the British minister, Mr. Erskine, expressed to me the other day his surprise that any such interference in the affairs of Crete should be desired on our part, on the ground that this course would be inconsistent with our emphatic remonstrances against interference with our own domestic affairs during the late rebellion in the States. * * * * *

I have the honor to be, sir, your obedient servant,

CHAS. K. TUCKERMAN.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

[Translation.]

The minister of foreign affairs to Mr. Tuckerman, minister resident of the United States of North America.

ATHENS, November 9-21, 1868.

MR. MINISTER: The Chamber of Deputies, on the last day of its regular session, passed a decree by which it expresses to the Senate, House of Representatives, and people of the United States, the most profound sentiments of acknowledgment for their generous solicitude for the Greek nation.

I have the honor to transmit herewith, in original, the above-mentioned decree; also the translation of the letter in which the president of the legislative body communicates to me the decree in question.

You will notice, Mr. Minister, the unanimous applause with which this decree was greeted by the representatives of the nation. The government of the King, animated by the same sentiments as those of the representatives, esteems itself happy to reiterate this assurance on this occasion.

Accept, Mr. Minister, &c., &c.,

P. DELYANNI.

[Translation.]

The president of the Chamber of Deputies to the minister of foreign affairs.

ATHENS, October 25, 1868. (O. S.)

The Chamber of Deputies, inspired by a national duty, voted at its eighty-fourth sitting, on yesterday, a decree by which it expressed, in the midst of the warmest applause, its profound acknowledgments to the Senate, House of Representatives, and people of the United States of America, for the generous and benevolent sentiments which the great

republic has at all times manifested towards the Hellenic nation, and especially in regard to the cause of Candia, and it has requested me to be the interpreter of this national decision.

In fulfilling with pleasure this mission, I have the honor to transmit herewith official copy of the above-mentioned decree, with the request that you will properly communicate the same.

T. H. LAZARETOS, *President.*

A. MONASTIRIOTIS,
THEOD. ANASLARSOPOROLO,
Secretaries.

Copy of decree.

The Hellenic Parliament, in consideration of the generous sentiments which the republic of the United States of America has always manifested for the Greek nation, and moved by the humane and sympathetic words which have been uttered in behalf of Crete by the two houses of Congress, expresses to these bodies, and through them to the magnanimous people of America, its profound gratitude, and confides to the president of the Hellenic Chamber the duty of transmitting this national resolution.

Mr. Tuckerman to Mr. Delyanni.

LEGATION OF THE UNITED STATES,
Athens, November 13-25, 1868.

MR. MINISTER: I have the honor to acknowledge the reception of your communication of the 9th (21st) instant, in which you inform me that the Chamber of Deputies, on the last day of its regular session, passed unanimously, and with enthusiastic applause, a decree of thanks to the Senate, House of Representatives, and people of the United States, for "their generous solicitude for the Hellenic nation." You also hand me, in original, a copy of this decree, accompanied by a copy of the letter in which the president of the Chamber transmits it to you, and you assure me that the government of his Majesty the King is animated by the same sentiments which are expressed by the national representatives.

I thank you, Mr. Minister, and through you the honorable gentlemen of the Chamber of Deputies, for this renewed assurance of international sympathy, as well as for the complimentary manner in which it is communicated through me to my countrymen.

The expressions of interest on the part of the people of the United States for the struggling Christians of Crete are but the utterances of those who would be faithless to the principles which made and preserve them a nation, did they refuse to extend the right hand of fellowship to others, wherever gathered on the earth's surface, who contend for the inestimable right to choose their own rulers.

The people of the United States will consider it a happy circumstance for all the people of eastern Europe, when the policy adopted towards them shall be in conformity with the sentiments which English statesmen have themselves admitted to be a political axiom, namely: *Treaties can never unite populations which are dissevered by sympathies.* Until this principle is recognized, peace may be maintained by expedients, but can never be secured.

Accept, Mr. Minister, &c., &c.,

CHAS. K. TUCKERMAN.

MR. P. DELYANNI, *Minister of Foreign Affairs.*

Mr. Tuckerman to Mr. Seward.

[Extract.]

No. 27.]

LEGATION OF THE UNITED STATES,
Athens, December 5, 1868.

SIR: The recent departure of Greek volunteers for Crete, together with the delivery to them of two guns (Armstrong's, 40-pounders) known to have belonged to the national arsenal, threaten for the moment the

peaceful relations of the Porte and the Greek government. I am of opinion that the present views of the Turkish ambassador, as expressed by him to me, will be modified. The Greek government denies, of course, any official knowledge of the delivery of these guns to the Cretan agents, and it would be a difficult matter in the present juncture of affairs to fix responsibility upon the authorities. Photiades Bey is apparently waiting to obtain the views of his government in the matter.

This "volunteer movement," be the numbers great or small, has given a less hopeless view to Cretan affairs, although the last news from the island was to the effect that an encounter between the Christians and Turks at Sphakia had resulted disastrously for the insurgents.

After a long reticence on the part of the British ministry with regard to eastern affairs, Lord Stanley, in his recent speech to the electors of Lynn, has broken silence by declaring that "the dangers which menace the Turkish empire to-day are internal," and that neither foreign alliance nor European guarantee can protect a government against financial collapse or rebellion within its own provinces. In those matters every country must be left to work out its own destiny. His lordship goes on to express his "sincere sympathies with the Christians of the East," whose aspirations he admits "may be natural," but he reminds them that "anarchy is not progress, and that it is not wise to pull down that for which they have not provided any substitute." Lord Stanley then addresses himself to Greece in a few phrases, which I embody in a note to this dispatch, together with the comments of the Greek press thereon, that you may see exactly how the English view of the "hellenic idea" is met and refuted by the Greek people. It is the current topic of the hour. The Chamber, since the opening of the new session, has accomplished nothing but the election of a presiding officer, Mr. Drossor, which, owing to divisions in the opposition, enabled the ministerial party to show a strong vote. The budget for 1869 has been submitted to the Chamber; its estimate is 34,423,973 drachmas expenses, against 37,620,200 receipts.

* * * * *

I have the honor to be, sir, your obedient servant,

CHARLES. K. TUCKERMAN.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

NOTE.

Extract from Lord Stanley's speech at Lynn.

More particularly I would say to Greece—that little state, about which our grandfathers were so enthusiastic, and which we in the present day are inclined, I think, rather unduly to depreciate—you might be the model state of the east; you might exercise over the Christian races there an almost incalculable influence, if, instead of indulging in vague dreams of aggrandizement, you would make your internal government more worthy of those destinies which you believe to be yours in the future. [Hear.] And I would also say, if you adopt a policy of fostering disturbance abroad, you are throwing away the substance for the shadow; you are losing that which you might command, and, after all, it is very doubtful whether you will obtain that which you seek. Gentlemen, that is advice which, tendered in a friendly spirit, may not be wholly useless, and we have interests enough in the east to make that advice worth giving.

[Translation.]

Remarks of "La Grèce," (Greek Journal.)

It is easy for the minister of foreign affairs of Great Britain to speak thus, and for the English people to applaud; but these counsels lose much of their force by being addressed by a people whose nationality is respected by the whole world to a people who suffer under outrages of which they themselves are the object. These outrages are the cause of insurrections breaking out at all times in the Greek provinces of the Ottoman empire. The insurrection in Crete is neither the first nor the last example. Lord Stanley has a heart too elevated to counsel the Greeks to plant cabbages, while their brothers are exposed to all the vicissitudes of a barbarous and unequal war. Diplomacy has been able to trace upon a map the arbitrary limits of the kingdom of Greece, but it has not been able to extinguish the national and fraternal sentiment of the Greeks of the kingdom towards those who are excluded. * * * If, instead of a truncated Greece, the kingdom included all the Greek provinces, then would the diplomatists have the right, and then only, to ask her to show herself capable of the art of government. "If you cannot govern what you possess, how can you hope to persuade Europe that you are capable of governing a larger kingdom." This is the *cheval de bataille* of the English diplomats. This reasoning, which is the measure of their intelligence, produces the same effect on us as if they said to a lame man, "Since you cannot walk with the leg which you have still left to you, do not regret the loss of the other. You would not know how to use it, if you had it."

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EGYPT.

Mr. Seward to Mr. Hale.

No. 49.]

DEPARTMENT OF STATE,
Washington, January 13, 1868.

SIR: Your dispatch of the 16th of December, No. 111, is before me. It furnishes the first information which has been directly received from Egypt concerning a change proposed there of the existing treaty arrangements between the western nations and the Ottoman Porte, and of the system of jurisprudence and adjudication in civil and criminal cases in which citizens and subjects of those nations are concerned. I give you herewith a copy of a communication relating to that subject which has been received, and of my acknowledgment thereof. The Grecian government has appealed to the United States to lend their influence in behalf of Greece, to prevent a consummation of the project. I have answered for the United States, that they will reserve consideration of the question until they shall have received some communication thereupon which shall have been authorized by either the Egyptian government or the Ottoman Porte.

In harmony with this line of policy, you will receive and refer to this department any propositions which the Egyptian government may desire to offer; and in that case, I shall expect to be furnished with such information as you may have concerning the progress of the discussion between the Egyptian government and the western powers, as well as your own opinions concerning the probable operation and results of such a change as the Egyptian government desires.

The United States, owing to their remoteness from Egypt, have less direct interest in the question than the European Christian powers. They have also, perhaps, more confidence in the safety and success of government reforms, even in those countries which have not been completely administered within the range of international law and established by Christian nations. On the other hand, it cannot be denied that the irritability and jealousy which inevitably exists between Christians and Jews on the one hand, and the local government or authorities of the Mohammedan states on the other, have been augmented by the war in Crete, and by disturbances in the Turkish provinces and states, to such a degree as to render amelioration of the general policy of Christian nations in regard to any one Mohammedan state very difficult, if not inexpedient, at the present time.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES HALE, Esq., &c., &c., &c.

Mr. Rangabé to Mr. Seward.

No. 139.]

WASHINGTON, December 22, 1867.

SIR: The intention of the Egyptian government, of which I had the honor to entertain you the other day, of substituting in its domains mixed tribunals to the consular jurisdiction, has been brought to the knowledge of the Greek government by the British minister in Athens, the Grecian consul at Alexandria not having been informed of this plan by the government of the Viceroy of Egypt, or invited to give his opinion or

co-operate in its execution, although Greece counts by thousands her subjects established and trafficking in Egypt.

The British government seems not to disapprove this project, provided it is sought to obtain practical results, and the new system offers perfect security to the stranger; to which effect it proposes that a preliminary inquiry should be made by a commission composed of the consuls and lawyers of the principal powers, probably those most interested in the matter.

The views of my government, which it is not for the present called upon to communicate to that of the Viceroy of Egypt, having received no invitation to that effect, are, that so important a modification, and one touching so nearly the rights of foreigners in Egypt, seems to be premature, and that too much ignorance, too much fanaticism, and abuses too inveterate, obtained as yet in the indigenious element, for it to be called to exercise high judiciary functions. If the Egyptian government has been forced, as it complains, to pay 72,000,000 of francs for indemnities, this is surely not because of the judicial interference of the foreign consuls, but because of the arbitrary proceedings of its own authorities, which very often give birth to just claims. The Greek government, in expressing this conviction, is perfectly disinterested, as no part of the said indemnities has been paid to Greek subjects. On the other hand, the antipathy the Mohammedans nourish against Christians of all nationalities will make the indigenious members of these mixed tribunals always to pronounce themselves against the opinions of their Christian colleagues when this is favorable to the Christian party, which will accordingly suffer if they are the strongest, while, if they are not, they gain nothing by establishing the mixed tribunals.

Another question is, what language is to be preferred in these tribunals. The Arabic is not understood by the Christians, and there is no reason for one of the European idioms to be favored more than another.

The most practical course to adopt seems, then, to be that the Egyptian government should commence by correcting its code and judiciary procedure by forming or choosing enlightened and honest lawyers, and composing thereof its tribunals; then, but then only, when the Christian powers see these tribunals working in a way to offer guarantees for the respect of justice, they will consent to abandon the consular tribunals, which they had been forced to establish because of the moral and governmental condition of these countries.

Such is the opinion that the government of his Majesty the King of the Hellenes feels it its duty to express upon this subject, in the interest of the Christians established and trafficking in Egypt, although it would be the first to rejoice in any change that would tend to ameliorate the distribution of justice in that country, and would willingly co-operate, with all its might, to that effect, were it called upon to do so.

Believe me, sir, with high consideration, respectfully,

A. R. RANGABÉ.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. A. R. Rangabé.

DEPARTMENT OF STATE,
Washington, January 7, 1868:

SIR: Your note of the 22d ultimo, relative to the proposed modification of the form of judicial proceedings affecting foreigners in Egypt, has been received.

In reply, I have the honor to state that the questions which it discusses will receive due attention at my hands, should they hereafter come under the consideration of this department.

I am, sir, with high consideration, your obedient servant,

Mr. A. R. RANGABÉ, &c., &c., &c.

WILLIAM H. SEWARD.

Mr. Hale to Mr. Seward.

No. 115.]

AGENCY AND CONSULATE-GENERAL
OF THE UNITED STATES OF AMERICA,
Alexandria, Egypt, February 29, 1868.

SIR: I have the honor to acknowledge the receipt of your instruction No. 49, under date of January 13, relating to the proposed changes in

judicial arrangements here, which were the subject of my dispatch No. 111. Your instruction has received my careful attention. It is the purpose of the present dispatch to give you information of the progress of the negotiations relating to the subject.

I have prepared translations, hereto annexed; first, (marked A,) of the original proposition of Nubar Pacha, and secondly, (marked B,) of his remarks in explanation and qualification of the original proposition, these papers having been communicated to me by order of his Highness the Viceroy, just before your instruction was received. An extract (marked C) of a pamphlet written in support of the proposed changes by a lawyer in the employ of the Egyptian government, is also appended. These papers serve to show what it is that has been proposed, and how the proposition was supported by those appointed to defend it.

As you have observed by Lord Stanley's communication, certainly an able and statesmanlike paper, the proposition was, on the whole, rather favorably received by the British government. By the government of France, the proposition was referred to a commission consisting of French statesmen, including Mr. Outrey, the French agent and consul-general for Egypt, then and still remaining in Paris. Nubar Pacha, also in Paris, was invited to attend their deliberations in behalf of the Egyptian government. The commission made a report to the French minister of foreign affairs, which is regarded as unfavorable to the scheme.

The governments of Prussia, Italy, and Russia so far accepted the scheme as to express their willingness to appoint representatives to consider it at a conference which, it was supposed, would be held in Egypt, and it was understood that Austria would accord a like measure of assistance.

To these governments, or most of them, as explained in my No. 111, the scheme has been communicated by agents in Europe.

His Highness the Viceroy, in informing me in January that he had directed the papers already mentioned to be communicated to me, expressed the hope that the United States would be represented in such a conference should it be held. At a later date, as I understand, the same invitation was extended to my colleagues here, or at any rate to some of them, representing governments to whom the plan had not already been communicated. But no other steps have been taken, so far as I can learn, for convening the conference, nor has any time been appointed for assembling it.

Mr. Rangabé has told you of the dislike with which the scheme was received by the Greek community here, and it is proper that I should state that the same feeling of dislike was general among Europeans. The English newspapers were invited by correspondents resident in Egypt to oppose the plan, and to criticise what was supposed to be Lord Stanley's support of it; but this feeling of opposition, although almost universal, would no doubt be considerably mitigated if the scheme were better understood.

It is not now proposed to persevere in the proposition for any change in the hearing of criminal cases. As regards civil cases, it is certainly true that there have been complaints, not wholly without reason, of the existing state of things, some of the inconveniences of which are indicated in the papers annexed. Now, while an Englishman may very well view with distrust the justice of any other tribunal than that of his own consulate, it is well to remember that it is only in cases in which he is defendant of which his own consulate can take jurisdiction. For cases in which he may be plaintiff, having a claim against a native, or the sub-

ject of some other power, as matters stand he can have no better justice than may be meted out by tribunals which have no special claim to his confidence.

The problem to be considered by a merchant of any nation, therefore, is this: supposing a good and efficient tribunal could be set up, in which all cases might be brought without regard to the nationality of the parties, would it not on the whole be a convenience? Every merchant would gain the right to bring his claims against others before such a court simply at the expense of being himself subject to its jurisdiction. The fact that the English court here, for instance, is rigorously just, is a circumstance inuring less to the benefit of Englishmen than of subjects of other nations, so far as cases of mixed nationality are concerned. As regards cases between parties both of whom are subjects of the same power, no change in the existing arrangements is now proposed.

But I must not conceal from you that the difficulty most reasonably apprehended is not so much want of justice in the decisions of any new tribunal as want of confidence in a just and impartial execution of its decisions, and the "guarantees" proposed in the accompanying papers go but little way to abate an apprehension of this sort. The existing "tribunal of commerce," for hearing cases of Franks against natives, is composed of a native president, with two native assessors and two Frank assessors; the latter serve in turn by months, from a list chosen by the "notables" of the several Frank communities, the list of "notables" serving as electors being prepared by the several consul-generals. The operation of the tribunal is at best unsatisfactory, but a great and substantial grievance is found in the fact than even when the tribunal may have given judgment in favor of the plaintiff, there is no sure means for obtaining execution of the judgments against the native defendants; the case, if at all difficult or important, generally becomes a question to be urged by the consul-general against the Egyptian government, the decision of the tribunal adding but little substantial strength to the case.

On the other hand, I doubt whether the large European communities would willingly accept at present a measure which should arm any tribunal of the Egyptian government, however composed, with power to touch the persons or property of Europeans otherwise than through their respective consulates.

The difficulty of the position would appear, therefore, to be insoluble, unless it is met in some such manner as the following, which I beg to submit for your judgment, as the basis of counsel which we might offer to the Egyptian government, should you deem it convenient: Let the Egyptian government, should it wish to do so, proceed at once, without further consultation with other governments, to create a tribunal of five judges, of whom two or three should be able and learned Frank gentlemen of unspotted integrity, assured of permanent salaries for at least a certain term of years. Let this tribunal have certain jurisdiction only of cases brought by Franks against the government or against native subjects. Let the Egyptian government request the consulates to give the same assistance to this tribunal, in requiring the attendance of witnesses and other incidental proceedings, as is now accorded in comity by one consulate to another. Let this tribunal hear and determine cases of the kind that has been described, and whenever its decisions may be in favor of the plaintiff, let them be promptly and fully carried into execution by the Egyptian government. If this is fairly done, the tribunal would at once become among Franks the most popular institution in Egypt. Then let it be a part of the plan that the same tribunal might also hear cases in which subjects of different nationalities were parties,

whenever both parties agreed in advance to accept its jurisdiction; and let the Egyptian government request the Christian powers to instruct their consuls to give prompt and full execution to the decisions of the tribunal against any of their respective subjects resident in Egypt, in such cases—that is, only cases in which the parties had accepted the jurisdiction before the case was heard.

I entertain a very confident opinion that if such a tribunal proved itself to be really honest and impartial—a genuine seat of justice—it would be eagerly accepted by suitors of different nationalities in a very great number of cases, in preference to the complicated jurisdiction of the consulates; nor would any very long time be required for it to earn a good reputation were such reputation deserved. In process of time it might, perhaps, be made the necessary resort of suitors in mixed cases; but it would appear to me unwise for the Egyptian government to insist upon this beforehand.

For obvious reasons, the Egyptian government might except from the jurisdiction of the tribunal cases against the government arising from transactions anterior in date to the time of its institution, and might make other proper limitations, such as those which restrict the jurisdiction of the United States Court of Claims. Perhaps, even in the beginning, the jurisdiction might be confined to cases against native subjects, excluding at first cases against the Egyptian government; but this would be far less satisfactory.

Not to protract this dispatch to too great a length, some points of detail which would require attention are not touched upon. As regards the question of a code, this need make little trouble; it would be open to the suitors of all nations coming before the tribunal to plead the laws and usages of their own countries as affecting the case in hand, and the court would allow so much weight to these as seemed just in each case. In process of time the series of decisions made by the tribunal would of themselves make a sort of code, or, at all events, furnish a basis for one, better than any attempt to evolve such a work as a preliminary.

I have the honor to be, sir, very respectfully, your obedient servant,
CHARLES HALE.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

A.

[Translation.]

Note to his Highness the Viceroy of Egypt, on the proposed changes in the judicial relations between foreigners and natives.

The jurisdiction which governs the Europeans in Egypt and determines their relations with the government and with the inhabitants of the country, has no longer for basis the "capitulation." Of these capitulations there exists now only the name; they have been replaced by a legislation of custom which is arbitrary, the result of the character of each chief of agency, (principal consular officers,) a legislation based upon precedents more or less bad, which the force of circumstances presumes on one side, and the desire to give facilities for the establishment of foreigners in the country on the other, have introduced into Egypt, and which, in point of fact, leaves the government without strength and the population without regular justice in their relations with Europeans. This state of things profits nobody—as little the general interests of foreign powers as the honest population of the country, whether native or alien; it is employed to the injury of the country, the injury of the government, and to the advantage only of those who make it their business to turn it to their selfish account.

The need of a reform is keenly felt; the European colony increasing, the foreign

agencies (consulates) themselves understand the necessity of this; they even claim it. The government and the consulates agree as to the principle of this necessity. Their disagreement begins when the means of putting the principle into practice is reached. It is not wished to have any hold of the capitulations. The abuses which have been introduced are brought forward as if they were laws or principles incapable of abolition. In one word, the end, which is justice, is demanded; but as the means are refused, it results from this that Egypt presents to view a state where the native, whether plaintiff or defendant, unable to find justice, is in fact plundered, and is even happy if he gives up no more than his house to his tenant.

The government finds itself assailed by claims which the consuls themselves often cannot refrain from characterizing as scandalous. The population puts itself on its guard against the European. Is the government obliged, while it sees the progress of this same European, in the fear of being compromised, to hold it at a distance? Examples are not wanting; it would be tedious to enumerate them. It is enough to know that the government, in the space of four years, has paid 72,000,000 of indemnities. [This is understood to mean 72,000,000 francs, about \$14,400,000, and probably includes the indemnity of the Suez Canal Company under the award of the Emperor Napoleon.] But it must be added that, paid under consular pressure, directly or indirectly exercised, these indemnities are characterized and represented by those very persons who have exercised the pressure as acts of generosity, without example, on the part of his Highness. If only this were the end of the evil! But the government, which perceives that progress can only come to it from Europe; which aspires to the introduction of this civilizing element, and which wishes to confide to it the great works on which are based agriculture and commerce; which wishes to attract capital, in giving it a remunerative employment—the government is reduced to impotence, and finds itself obliged to abandon the country to itself. Of all the works intrusted to Europeans, the dry dock at Suez alone is finished; all the others are either unfinished or not even begun, and, such as they are, have given and give ground for indemnities.

The manner in which justice is exercised tends to demoralize the country. All the efforts of his Highness are broken against the invasion of their demoralization. The Arab, forced to see Europe in the light of the European who takes selfish advantage of him, opposes himself to the progress of the west, and accuses the Viceroy and his government of weakness or mistake.

For more than forty years the Europeans have enjoyed the right of holding real estate in Egypt; he possesses estates said to be under the jurisdiction and legislation of the country. The consuls, in theory, agree with regard to this principle; but in practice, under the pretext of the capitulations which shield, they say, the European, the European owner of houses, or exercising a trade, pays no taxes; and if owner of a farm, he pays no tithes; the consul then intervenes, and the consul's intervention ends almost always in a non-payment.

This state of things, contrary to the spirit, contrary even to the letter of the capitulations, not only prevents the country from developing its resources, from furnishing to the industry and wealth of Europe all which it is fitted to give them, but puts an obstacle in the way of its organization, and ruins it morally as well as materially.

Your Highness has thought that the only remedy to bring to this state of things is the organization of a good system of justice, presenting to Europe all the guarantees which she has the right to ask.

Your Highness has thought that the foreign element ought to enter into the organization of our tribunals; in fact, this element, not numerous at Cairo, equals at Alexandria the native element; a number of Europeans are established in the provinces; all are merchants or workmen; their relations with the population are consequently of every day, of every hour, so to speak. This element ought then to be regarded in the organization of our tribunals, and even in principle; guarantees which are superfluous ought to be given, so as to inspire it with confidence among men and with the government.

The principle is the complete separation of justice from the administration. Justice ought to emanate from the government, not to depend upon the government; it ought no more to depend upon the government than upon the consulates. To be able to attain the object which your Highness proposes, the foreign powers should be persuaded of this fact: "justice emanates from, does not depend upon, the government." The way to inspire this conviction is to have a body of magistracy. In fact, to make a good magistrate, the natural equity inherent in an honest native is not enough; knowledge of the law is indispensable; a study, a complete education. Our magistrates now in service have a perfect acquaintance with the civil and religious law which was enough when they had only to administer equal justice to a population homogeneous in its customs and its wants. But now necessities require new laws, and the Europeans, in establishing themselves in the country, have brought with them new usages, new relations. A mixed system has begun to introduce itself in our laws and in our codes. New men accordingly are required to apply this new system. It is required that Egypt should do for the administration of justice what Egypt has already done so effectively for her army, her railways, her engineers of roads and bridges, her services of health and

hygiene. The competent element, the foreign element, has been introduced, and this element has served to mold the native element. That which has been done in the material order must be done in the moral order—that is, in the organization of justice. The necessity of this mixed system has made itself so keenly felt that since many years the embassies have demanded its introduction at Constantinople. Constantinople has established a mixed tribunal of commerce, where all the commercial processes between natives and Europeans, whether plaintiff or defendants, are alike judged.

It is proposed to extend this system and to apply it to civil and criminal cases. The tribunal of commerce sitting at Alexandria and Cairo is not, properly speaking, a tribunal; it differs from that of Constantinople. It is rather a jury; but for commercial questions the basis of the institution, such as it is, is good, and deserves to be retained; it is only requisite to improve it. This jury or tribunal, instituted originally to take cognizance of commercial lawsuits arising between foreigners and natives, whether plaintiffs or defendants, is in point of fact abandoned. The consuls claim cognizance of cases in which persons of their nationality appear as defendants, and the tribunal often finds itself refused by them, even when the defendant is a native. They justify themselves in this by their want of confidence in the members composing the tribunal. I do not care to discuss the accusation against this tribunal, which I do not believe well founded. The phrase which your Highness has pronounced is enough for my purpose: "Let us give guarantees even that are superfluous."

I have the honor to propose to your Highness the preservation of the two mixed tribunals of commerce established at Cairo and Alexandria; but instead of three members chosen by the consuls from the merchants of the European colony, and three native members, called by the government to sit in turn, I would propose to your Highness to compose them of four members only, two of whom the consuls would choose from the merchants presenting the best guarantees and the best known, and two others whom the government would choose from the natives whose relations are most intimate with the Europeans. The same as is now done, these members would sit in turn. I would propose to your Highness to give the presidency to an Egyptian, but to concede the vice-presidency to a magistrate selected in Europe; and to have a "guarantee on the subject of his character," it would do well to address the ministry of justice, [that is of the county from which he is selected.] This magistrate would be permanent.

Above these tribunals it would be necessary to have a tribunal of appeal, sitting at Alexandria. This would be composed of three Egyptian members, whom your Highness might select from our young men who have studied law in Europe, and three other members, competent magistrates, whom your Highness would summon from Europe, addressing for their choice their governments.

This tribunal would perform its functions under the presidency of an Egyptian. Together with the two tribunals of commerce, there would be two tribunals for civil cases. They might be composed of two competent members, engaged abroad, and two Egyptian members, always under the presidency of an Egyptian subject.

The tribunal of appeal sitting at Alexandria would have also among its powers the revision of judgments given by the civil tribunals.

As to disputes arising from questions of land and real estate, the Europeans have always been subject to our tribunals. These tribunals work well; the members who compose them understand the business from the bottom; the foreign element would not be more competent in the matter. I propose to your Highness to leave them as they are.

The question of the immovability of the magistrates has attracted the attention of your Highness. Your Highness, after mature consideration, has thought, and with reason, that absolute immovability might present great inconvenience for a state of things that is new; that an engagement of five years for the magistrates is enough, and will give to parties in suit every guarantee, and will also allow time both for your government and for foreign powers to judge of the merit of the new institution.

As to criminal questions, they are not so simple as the civil and commercial. Nevertheless, they can be resolved, if reference is had both to the spirit and the letter of the capitulations, and especially to the state of things under Mehemet-Ali.

In fact, how were affairs carried on in the time of the great Viceroy? When a crime or offense was committed by a foreigner, the governor of the citadel took jurisdiction of it, made the examination, rendered the judgment, and sent the judgment and the delinquent to his consul for the execution of the sentence. As the number of Europeans was at that time very limited, and crimes and offenses rare, the care of the consuls over persons of their nationality was easier and more effectual. I do not remember any case of impunity presenting itself, or indeed if there were some discreditable tolerance, that any gave rise to claims or produced serious inconveniences. Such affairs passed off, so to speak, *en famille*, it being everybody's interest to maintain good order, and every one having both the will and the power to do so.

I must, however, call the attention of your Highness to the fact that this matter of proceeding is not quite in conformity to the capitulation, which by no means removes foreigners from the jurisdiction of the country, and limit themselves to granting them,

in criminal cases, the privilege of being tried, assisted by their dragomen or interpreters, by the supreme tribunal; the penalty always to be enforced.

Since Mehemet-Ali, as the number of Europeans increases, and consequently the number of offenses in proportion, the government, in view of the non-application by the consuls of the sentences which it decreed, hoped to gain its object, the enforcement of penalties, by including in the examination and in the judgment either the consul or the interpreter. But this mode of proceeding, which at the beginning produced satisfactory results, things still going on, as I have said, *en famille*, in its turn degenerated. About 1848, the consuls, under the pressure of persons of their nationality, having become arbiters in the place of the law, found themselves powerless, made of their weakness a principle, and were led, little by little, by pressure of circumstances, to assume making examinations for themselves outside the government, or at any rate to connect with themselves a functionary of the native police, under pretext that as the penalty must be applied and executed in their own country, the examination had no value except as it was conformable to their own laws. Such is actually the state of things, not only in regard to crimes, but for misdemeanors and simple infractions of law. Thus justice is completely given over, not to institutions, but to the arbitration of individuals. The position of the government is no longer tolerable, when we consider that its police is powerless to repress the most trivial infractions, unable even to cause the execution of highway regulations, or those referring to stations for public carriages; for if one consul is inclined to recall to order on the demand of the police some coachman who refuses to take his place, another treats the affair with indifference, sometimes for the reason alone that his colleague takes the other side.

Thus, Highness, the object now pursued by your government is not the destruction of the capitulations, but, on the contrary, to restore to them both letter and spirit, by demanding of the governments the abandonment of abuses and of personal arbitration. That, in fact, is the spirit of the capitulations; the protection of foreigners, but not impunity for them; that is their letter; the judgment of foreigners by the tribunals of the country, with the guarantee of the supreme tribunal, and the assistance of their dragomen.

The same objection is made to your Highness regarding the civil tribunals, and objection founded on the absence of laws and of magistrates who present sufficient guarantees. But your Highness, in your desire to regulate your relations with the powers, laying aside what you might demand as a natural right, and resulting from the capitulations themselves—the right, not to be prescribed, of all governments to apply the police and security laws to all who live within your jurisdiction, (territory,) has been willing to apply to the criminal code the idea which you had conceived for the civil, that is, to institute mixed correctional tribunals.

The capitulations protect inviolably the domicile and the person of foreigners. There is no thought of disturbing this principle; your Highness, in fact, wishes to strengthen it; to surround Europeans accused of crime with more guarantees than are granted by the capitulations; instead of a dragoman, who is but a silent witness, your Highness grants them judges chosen in Europe, and a jury half of Europeans and half native.

If more guarantees are required, your Highness will give them. Your object is the protection of honest citizens, more and more endangered by the impunity enjoyed by the guilty.

The case of less serious infractions, such as the French law calls *délits* or *contraventions*, will be submitted to the same mixed tribunals. In all cases appeal will be made to the superior tribunal established at Alexandria; this power of appeal presents all the guarantees desired. All penalties should be applied in Egypt, except in the case of imprisonment, which should be enforced in the respective consulates if this should be exacted by the consul. With the organization of the tribunals there would be occasion to give attention to the legislation which they should follow and apply. The commercial legislation now followed in Egypt is that of Constantinople, accepted by the foreign powers, "The French Code of Commerce." For civil affairs your Highness has the intention to summon a commission of foreign juriconsults, who, assembled with our lawyers, would reconcile the provisions of the Code Napoleon with those of our own legislation. This reconciliation is already half made; the work would neither be long nor difficult. This commission would also be charged to put our penal laws in harmony with those of the French penal code.

To sum up, that which your Highness asks, whether as regards civil or criminal affairs, is the return to the capitulations, and not only a return pure and simple, but on the contrary a return which would allow to foreigners guarantees far superior to those which the capitulations give them. In fact, according to the capitulations, it is a native tribunal which gives judgment in presence of the dragoman, a mere witness without voice in the deliberations; according to the reform proposed, your Highness, instead of this mute witness, gives to foreigners the guarantee of a tribunal in the composition of which enters a European element, and a code revised in conformity with European penal and civil laws.

The organization proposed by your Highness, calculated upon the judicial organization of Algeria, offers, it seems to me, all the desirable guarantees.

It would appear impossible to your Highness that the foreign powers should refuse to admit them. Hitherto, on the contrary, the foreign powers have availed themselves of every opportunity to come to the support of the material and moral development in Egypt. To-day, placed in presence of the real state of the country in refusing the establishment of the most precious guarantees, they would put themselves in the position of denying not only the progress, but even the very existence, of Egypt.

NUBAR.

B

[Translation.]

Some explanations of the guarantees which will be presented by the judicial organization proposed for Egypt.

The majority in the tribunals which the government proposes to organize will rest with the European magistrates. These magistrates will be appointed by the Egyptian government, and chosen by it among the magistrates in Europe. The government will surround itself for this choice with all possible precautions. The making choice from magistrates already in office is itself a guarantee, because the French government, for example, is always free to accord or refuse its permission to the magistrates who would have been chosen. Irremovability will be granted to the magistrates either in the beginning or after a certain time, three or four years for instance. Add to these guarantees, already so effective in themselves, the publicity of proceedings, the complete liberty of defense, the institution of the court of appeal, and the Egyptian tribunals will present the same guarantees as the tribunals in Europe. But if there is added also the right, which would be granted to the party in suit, or to his consul, to refuse one of the judges of the tribunal, without giving reasons for his refusal, there is a guarantee which I will call substantial. Moreover, when the difference of position is considered, the advantage on the side of Egypt is obvious, for in France or England a magistrate has only to encounter the public opinion of a homogeneous public, while in Egypt two camps are watching him, the Moslem and the Christian, and in this latter sixteen different nationalities restless and eager. Under these conditions, it is difficult, if not impossible, that a magistrate should be false to the law and give judgment against his conscience. The clerks and officers of the court would be chosen in Europe from the persons who have exercised or still exercise the functions of ministerial officers.

Civil cases between natives will be submitted to these tribunals, (questions of state, as marriage, divorce, &c., between natives will necessarily remain for resort to the existing tribunals, but the tribunals may be attached to the general organization in such manner as not to make a separate body.) Civil questions between natives and foreigners, whether plaintiffs or defendants, will be submitted to these tribunals. Commercial questions between natives, or between natives and foreigners, will be submitted to these tribunals, which, in these cases, will summon as assessors merchants selected from the well-known Europeans and Arabs of the country.

The inconveniences which arise from fifteen or sixteen foreign jurisdictions for the persons of the nationality at the different consulates in the questions of litigation which arise every day among them are always increasing; it would be desirable, therefore, in their own interest, that the processes between Europeans of different nationalities should be submitted to these tribunals, or at least that this should be permitted with the consent of both parties. But the power of these tribunals will not cover lawsuits between Europeans of the same nationality. The tribunal will have power over all questions which concern the administration of the domains of the Viceroy (present and past) and of the princes. It will take cognizance of all the demands made by the government against private persons, natives or Europeans, and of all such as may be brought against the government by such private persons for the execution of a contract. Nevertheless, it is understood that the tribunal cannot ordain any measure which may be of the nature to prevent or suspend the execution of an act of administration; it will take cognizance simply of claims for indemnity brought against the government on account of acts of administration alleged to be contrary to an engagement or concession previously granted. Mere violations of police regulations might be judged by the civil tribunal, or better by a European magistrate delegated by the tribunal and sitting at the police office. Punishment in correctional matters will be pronounced by the tribunal composed of two European magistrates and one native, and if thought necessary, upon the verdict of a jury. Punishment in criminal matters will be pronounced by a court composed of three magistrates, of which three will be Europeans and one native, on the verdict of a jury. The composition of the jury lists, the number of jurors, their manner of voting, whether by majority or unanimity, are among the questions which should be settled by the commission of juriconsults which

will come to Egypt to determine the procedure and adopt the European law to the wants of the country.

This same commission might determine the conditions under which the officers of police will have the right to make an arrest, or to enter houses; it will fix the terms within which preliminary investigations should be concluded; but it is important that it should be understood after this that these conditions, once fulfilled, the action of the police cannot be interfered with by the consuls, for the Viceroy having the responsibility of maintaining order in Egypt, it is necessary to establish as a principle that he ought to have the means to fulfill this responsibility. The police must possess, as regards foreigners, the same powers as regards natives; and in order that thieves and assassins may no longer be seen after having fired a pistol, or being taken breaking open a safe, walking about at Alexandria, thanks to the intervention of the consuls, the police must have the right to put in execution the regulations of the highway, and other police regulations, without having recourse to the consulates.

The establishment of the tribunals is only half of the organization; nothing will be accomplished if judgments are obtained which are not put in execution.

If the tribunals present the desired guarantees, and if accordingly they are accepted, there will be no objection, I think, that, as in France, the officers of these tribunals should be charged with the execution of the sentence, with power to require the officers of police if necessary.

This mode of proceeding is all the more necessary now the consuls have for a principle (not at all admitted by the government) to make the government responsible for the execution of sentences given against natives. The representative of the tribunal proceeding to the execution of its judgment, with the assistance of the public force in case of need, this pretended solidarity will disappear, and with it many really petty questions which are raised to the rank of diplomatic questions. It is very evident that if, for example, the government should refuse the aid of the public force for the execution of a judgment, the diplomatic intervention of the consuls would immediately have a reason for existing.

Thus, neither the government nor the consulates will be able to interfere with the execution of the sentence, either to prevent or suspend it.

If the consulates were charged with the execution, if they had even only the power to interfere, the firmness of some might take example from the weakness or want of power of others, and we should fall back with arbitrariness and the present confusion. If, in order to execute a sentence, it is necessary for the officer to enter a private house, it cannot be said that the domicile is violated by the government. It is not the government who forces itself in, it is the law, represented by the officer of the tribunal, and the law penetrates everywhere.

Besides questions of organization for civil, commercial, and criminal justice, there is room for regulating different points which are connected with simple administration, for instance, in relation to highways or to taxes. Thus, a European who wants to build in Alexandria, does it without the preliminary authorization of the council on highways or that of fortifications; whenever he finds against him the regulations of these councils, no native workman can labor for him under these conditions, to be sure, but he engages European workmen; his building is raised and finished under the eyes of the authorities, who appeal in vain to his consulate, which answers not at all, or after the building is completed.

The capitulations have never pretended to remove from the action of government any European who puts himself in opposition to the local laws. In the present state of disorder, it is necessary in such cases that the government should bring an action against the opposing party before the consul; and the consul, on this very account, interprets and comments upon the regulations made by the government, and has, consequently, power to approve or annul them.

The capitulations, and even French jurisprudence, if I am not mistaken, do not authorize the holding of real estate by Europeans in Egypt. This is a great misfortune for Egypt; therefore not only is it tolerated in Egypt, but even recognized and established for more than forty years. Europeans buy, sell, inherit property, like the natives, in their own names, inscribed upon the registers of the Melkiemés.

It is just that European proprietors should be submitted to the same expenses as the native, and that the laws in this case, laws well known, fixed, and determined, should be applied as to the native. This is a principle admitted and recognized; no consulate really denies it. But in application this principle is becoming impossible. A European possesses a farm; he does not pay his taxes; can the government proceed with him as with a native, that is, deprive him of a part of his land, which, sold at public auction, would restore to the exchequer the amount due to it? Government cannot do this; it must address itself to a consul, who may or may not give an answer, and who finally, whether he insists upon payment or not, becomes the arbiter and judge of the laws of the government. An examination may be made, if desired, whether anything can be modified in the present regulations so as to protect the rights and interests of all; but it is necessary to leave to the Egyptian authority, alone and without the intervention

of the consulates, administrative action and jurisdiction in such matters, and the government must not abandon this principle.

This action and jurisdiction are a public right, and the capitulations never were intended to take them from Egypt.

NUBAR.

C.

[Translation.]

Extract from a pamphlet by P. Maunoury.

What shall be said of certain consulates where it is impossible to get justice? The least bad are those which, in the interest of persons of their nationality, hold back the decision and even the execution of their judgments until the foreign plaintiffs are worn out.

Thus, upon many complaints laid before the tribunal of Persia, not one judgment has been passed.

[NOTE.—Were the capitulations intended for unchristianized Asiatics?]

The consulate of France was obliged, in the affair of Marquet & Co. *vs.* Hauna Giamati, to interfere with the Spanish consulate to compel them to protest a bill of exchange for non-payment.

There is a consulate general of Brazil, although not a single Brazilian is established in Egypt. The consul general, an Italian, in order to create for himself a nation, had to put all the members of his family under the protection of his flag. His nephew, Abd-allah-el-Adin, attached to the consulate, became bankrupt. The difficulties thus caused were judged, in spite of the creditors, by the uncle of the bankrupt, all demands being refused.

The denials of justice on the part of the consul general of Greece have been so violent, that one day, in full hearing of the French tribunal, at the trial of an affair begun by a Greek against a Frenchman, Mr. Fricon, French consul, president of the tribunal, summoned before him the plaintiff, and said to him word for word as follows: "Your affair is erased from the docket. Go and tell your consul that as soon as he begins to render justice to the French, I will render it to persons of his nationality."

It is useless to say that the local tribunals leave as much to be desired as does consular justice.

About a year since the European judges of the mixed tribunal at Cairo sent in their resignation *en masse*, on account of the partialities which they had witnessed.

Something quite curious has presented itself in connection with these mixed tribunals. They were instituted as tribunals of commerce.

Now, as none of their members clearly understood the distinction between civil and commercial affairs, for several years they passed judgment indiscriminately on all questions arising between Europeans and natives.

At the beginning of 1867 they bethought themselves to decide that they were incompetent in civil matters—a wise decision. But now comes a difficulty. Possibly a local civil tribunal may exist; but we can affirm that there is not a single person who might be the subject of its jurisdiction, nor even a European lawyer, who, after careful research, knows where this tribunal holds its sittings.

So that, for the last ten months, no civil complaint can be brought by a European against a local subject.

Mr. Hale to Mr. Seward.

No. 116.]

AGENCY AND CONSULATE GENERAL
OF THE UNITED STATES OF AMERICA,
Alexandria, Egypt, March 20, 1868.

SIR: The second annual session of the Egyptian assembly of representatives was opened by the Viceroy in person, with an address, in the palace of the citadel at Cairo, on the 16th instant. The address of his Highness was read in Arabic by Kairi Bey.

It mentions among results of the preceding session, attained during the year past, the opening of government schools at Benha and Osiut, the accomplishment of the abolition of the system of the Ohdis, or

farming out of the collection of the revenue, the continued progress of public works, and the taking of a new census, which, however, is not yet completed.

To the attention of members during the present session are recommended measures for conservation of public health, for preventing deterioration in the cotton culture of the country, and for promoting the interests of agriculture in general, canals, dikes, and bridges, as well as the perfection of the system established last year for the collection of taxes by monthly installments.

The president of the assembly for this session is Abdallah Pacha.

I have the honor to be, sir, very respectfully, your obedient servant,
CHARLES HALE.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Hale to Mr. Seward.

No. 124.] AGENCY AND CONSULATE GENERAL
OF THE UNITED STATES OF AMERICA,
Alexandria, Egypt, June 6, 1868.

SIR: For the first time an official account has been published of the state of Egyptian government finances. A translation is contained in this dispatch.

The original publication forms an appendix to a report made to the assembly of representatives now sitting at Cairo, and covers the estimate for the year 1585 of the Coptic calendar, of which the beginning corresponds to 24th September, 1868. The original account is stated in "purses," but it is here changed into dollars at the rate of twenty-five dollars in gold to the purse.*

The expenses of the government for the year are set down as follows:

EXPENSES.

Civil list of the Viceroy.....	\$1, 500, 000
Allowances to members of his family.....	553, 638
Tribute to Constantinople.....	3, 291, 688
Department of the interior.....	67, 251
Department of war and military schools.....	3, 500, 000
Department of finance.....	403, 131
Department of foreign affairs.....	65, 069
Civil and commercial tribunals.....	192, 742
Provincial administration.....	860, 592
Navy department and marine arsenal.....	1, 002, 680
Department of public works.....	27, 345
Board of health and hospitals.....	191, 258
Governments at Cairo, Alexandria, Damietta, Rosetta, El-Arich, Suez, and of the canal.....	791, 023
Police at Cairo and Alexandria.....	331, 680
Department of public instruction—schools.....	369, 230
Employés of customs.....	137, 933
Pensions of widows and of the harems.....	208, 633
Pensions of employés out of service.....	486, 326
Pensions of persons <i>en disponibilité</i> , (retired list).....	218, 531

* Exactly, the "purse" is worth \$24 95 $\frac{1}{2}$.

Pilgrimage to Mecca and the hospice of the Hedjaz, (entertainment of indigent pilgrims).....	\$372, 704
Reserve fund for care of canals, &c	1, 000, 000
Payment due Bank of Saxony for loan	1, 292, 500
Payment on the loan of £5,000,000 sterling.....	3, 023, 933
Payment on the loan secured by the railway.....	3, 375, 938
Payment of treasury notes and medjidich coupons.....	266, 850
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	23, 530, 675
Surplus for the year	12, 922, 115
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	36, 452, 790
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The other side of the account is stated as follows :

RECEIPTS.

Land tax, tithes, personal tax, tax on palm trees, and product of various undertakings.....	\$22, 872, 790
New tax of one-sixth additional of the amount of land tax and tithes, to be continued for four years altogether, namely, the Coptic years 1584 to 1587, inclusive, amount for one year.....	3, 750, 000
Customs	2, 475, 000
Railway	1, 725, 000
Locks and other public works.....	1, 990, 000
Net revenue of the Soudan.....	375, 000
Income of government property, sheep, oil, and interests on shares in Suez canal.....	2, 382, 500
Petty and miscellaneous.....	882, 500
	<hr/>
	36, 452, 790
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This estimate shows a surplus for the Coptic year 1585 of nearly \$13,000,000. It is stated that the Coptic year 1584, of which three months remain, will show a surplus of half a million dollars.

I inclose a translation of the report of the committee to the assembly. The recommendations of the report were adopted by the assembly; but the suggestion for an internal loan appears to have been found inconvenient. Almost immediately after the Viceroy's departure, as mentioned in my dispatch No. 122, it was announced that a loan for six millions sterling had been arranged by the Egyptian government with the banking house of H. Oppenheim, Neven & Co., on terms mutually satisfactory; the precise details of this financial operation are not yet known.

A good deal of outcry is made in the European press about the new tax imposing an increase of one-sixth, or 16½ per cent. on previous taxes; to continue for four years. If, however, this exceptional taxation be compared with the extra income tax assessed in Great Britain to defray the cost of the Abyssinian war, or with the still more exceptional measures of finance now pending in Austria, something of excuse may be found for a government like that of Egypt, which may be said to have learned foreign lessons of finance by beginning at the wrong end of the book. Who shall say that pupil is blamable more than preceptor for this inversion ?

You will not fail to notice the comparatively small sum collected at the custom-house. Thirty-four millions of dollars internal taxes paid by less than five millions of people in Egypt, averages \$7 a head. Taxed at that rate per head, the thirty millions of population in the United States would pay \$210,000,000.

I have the honor to be, sir, very respectfully, your obedient servant,
CHARLES HALE.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Translation.]

Report of the Committee of the Assembly, consisting of Haggi Yousouf Abd-el-Taltah, Mohamed Said Bey, and Ibrahim Effendi-el-chehri.

The Egyptian government owes for debts contracted under the present reign and that preceding it, a total sum of £22,000,000 sterling, of which £2,400,000 sterling were borrowed by Said Pacha, payable by installments spread over twenty years; £5,000,000 sterling borrowed by the present Viceroy to cancel old debts payable by installments spread over fifteen years; besides £1,000,000 sterling which remains due to the Suez Canal Company.

But it is proper to take into consideration that during the five years which have passed since his accession, his Highness has paid £8,000,000 sterling for matters properly chargeable to the revenues of the government.

That which remains to be paid in the financial years 1584, 1585, and 1586 of the Coptic calendar, according to the statements of the minister of finances, amounts to £6,101,570 sterling, besides interest.

The committee has ascertained, moreover, that the government has spent for objects and works of general interest, various sums amounting to £6,000,000 sterling. These comprise the dry dock and harbor of Suez, the locks, bridges, and aqueducts in the provinces, one bridge and several streets in Alexandria, several lines and branches of railway, the settlement of various debts, military and naval stores now on hand, and steamships.

From what precedes, it follows that the government has paid for debts and interests of the preceding reign and works of public utility, a total of £14,000,000 sterling, and this has been done notwithstanding the decrease of the receipts from customs duties arising from the sliding-scale reduction from 12 per cent. to 1 per cent. which has taken place in the export duties.

For although the duties on imports are maintained at 7 per cent., the difference on that side is not less, on account of the small importance of the amount of imports compared to that of exports.

The amount which must be paid in these years, 1584, 1585, and 1586, after deducting the balance of the budget, is £6,000,000 sterling, besides interest. The committee accordingly has come to the conclusion that, for the good of the country, it will be best to avoid a foreign loan, by means of the following measures:

1. Establish an extraordinary tax equal to an addition of one-sixth of the present taxation on lands paying tax and tithe, on the palm trees, and on the personal tax, for four years, that is, 1584 to 1587, inclusive. This one-sixth is scarcely equal to what was formerly paid the government under the name of customs duty; for customs duties, although paid by the merchants, fall in the end upon the producers. This one-sixth, moreover, is only provisional, and will only continue for the four years already mentioned; it is to be understood that each year one-sixth will be collected in addition to the taxes already established, as above mentioned.

The collection of the one-sixth will be made by a new bureau, distinct from the ordinary bureau, and will be kept in a separate account. The one-sixth for the current year will be collected with taxes of this year, as yet unpaid, and during the remainder of this year. The one-sixth for the three following years will be collected with the ordinary taxes at the times fixed for their collection by the decree of last year to that effect.

2. A loan to cover what remains to be paid.

By these means and with the aid of God we may succeed to meet the obligations of the government.

[Report made to the assembly 16th May; printed 3d June, 1868.]

Mr. Hale to Mr. Seward.

No. 130.]

AGENCY AND CONSULATE GENERAL
OF THE UNITED STATES OF AMERICA,
• *Alexandria, Egypt, October 19, 1868.*

SIR: It was not until after the date of my last dispatch that the fact was allowed to become public, that on the evening of the day when the Viceroy returned to Alexandria, (22d September,) an attempt was apparently made upon his life in the following manner: The Viceroy, accompanied by Cherif Pacha, Ismaïl Pacha Monfatic, and Shaïn Pacha, were going about the illuminated streets of Alexandria in an open carriage, when two balls were dropped from the second story of a house as they were passing it. One of these balls, in its fall, broke the splash-board covering one of the wheels of the carriage, where it stuck for a few instants before reaching the ground; the other fell behind the carriage and was immediately picked up by one of the officers in attendance. Each of these balls consisted of a compact mass of metal, of the size of a man's head, closed, and weighing four or five pounds, armed with a number of pointed barbs, each about six inches long and resembling the barbed spear heads used by savages. It cannot be doubted that a ball of this kind, falling from a height against any person, would cause death; happily, both of them missed touching any person. The Viceroy maintained a perfectly calm demeanor, and no other persons than his immediate attendants knew what had occurred until many days afterwards.

On the 3d of October, public notice was first taken of the occurrence, by an address made to the Viceroy at the palace of Abbassieh, in Cairo, by Cherif Pacha, and immediately published. In this address the minister spoke of the profound regret with which the functionaries of government of all grades had learned of the attempt against the life of the Viceroy, and of the thankfulness of the people that the attempt had failed.

On the 7th of October, the Viceroy having returned from Cairo to Alexandria, the consuls general attended at the palace of Ras-el-tin with an address in the following terms:

HIGHNESS: The consular body having learned with profound indignation of the attempt of which your Highness has failed to be the victim, we hasten to present ourselves before you, moved by a unanimous sentiment, for the purpose of protesting against so odious an act; and, in offering you our sincere felicitations, to unite our wishes with those of your subjects for the prolongation of your life and the prosperity of your reign.

To which the Viceroy replied in the following terms:

GENTLEMEN: I am much touched by the felicitations which the diplomatic body expresses to me with so much of sympathy and friendship, and I thank you. Providence evidently protects a ruler who devotes himself to the noble task of regenerating his people. As an Egyptian prince, I shall continue to fulfill my duties of patriotism and devotion. Such a crime as this changes neither my opinions nor my principles. My son after me will pursue my policy for the happiness of Egypt and the honor of my reign.

A great number of addresses from various bodies and associations were also presented on the same and subsequent days, and received replies.

Special services of thanksgiving were organized in the various Christian churches, and in the Jewish synagogue, and in some of the mosques. As these services were attended generally by one or more of the principal ministers, they necessarily took place on successive days.

The special service at the chapel of the American missionaries took place yesterday. The native congregation was present to the number of about 100. I was present with the officers of the consulate general, and in behalf of the Egyptian government attended Zoulfikar Pacha, Achmed Pacha, Dramaly, and Ethen Bey. The services were conducted by the Rev. B. F. Pinkerton, resident missionary, chiefly in the Arabic language. He pronounced a fervent prayer for the health and prosperity of the Viceroy, and for wisdom to be granted to him in the rule of the country; and taking several texts from Scripture in which obedience to the constituted authorities is enjoined by Holy Writ, he pronounced an impressive discourse upon this theme. The hymns were sung in the Arabic language by the native congregation in an effective manner, and the whole service was very interesting. These recent services at the various churches are said to be the first ceremonious occasions in which Moslem officers of state have taken part in Christian services.

I may remark that after the service yesterday, the ministers present having been invited into the missionary's house, Zoulfikar Pacha expressed his astonishment at the elegance and correctness with which the Rev. Mr. Pinkerton (who came from the United States only three years ago) speaks the Arabic language, and also expressed his gratification with the simplicity and impressive earnestness of the service.

No clue whatever has been found to the perpetrator of the attempt on the Viceroy's life.

I have the honor to be, sir, very respectfully, your obedient servant,
CHARLES HALE.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Hale.

No. 62.]

DEPARTMENT OF STATE,
Washington, November 11, 1868.

SIR: Your dispatch of the 19th of October, No. 130, has been received. Your proceeding in denouncing the attempted assassination of the Viceroy of Egypt is entirely approved. You will be expected to make this approval known to his Highness, with an assurance that the government and people of the United States unreservedly reprobate that odious crime, and fervently congratulate him upon his providential deliverance.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES HALE, Esq., &c., &c., &c.

MOROCCO.

Mr. McMath to Mr. Seward.

No. 51.]

CONSULATE OF THE UNITED STATES OF
AMERICA FOR THE EMPIRE OF MOROCCO,
Tangier, February 3, 1868.

SIR: It is with regret I have the honor to inform you that the cholera appeared in this city yesterday, and to-day our board of health commenced to issue touched bills of health. The disease appeared among a very wretched class of Moors and Jews who have been suffering for want of food and clothing. In consequence of the great influx of Moors who have been driven from their houses on the Riffian coast by famine, now collected within and about this city, I fear we shall have this scourge in its worst form. I have never before witnessed such extreme wretchedness and misery as now appears among the lower classes in this country. By reason of the partial failure of the last harvest, and the apprehension of a short harvest to come for the want of rain thus far during the winter months, the price of grain and breadstuffs has risen so high that they are absolutely beyond the reach of the poor, and but for private charity hundreds more would have already starved. The doors of our consulate are besieged day and night by the starving poor, and through the entire twenty-four hours one hears nothing but the cry for bread. This state of things will continue, if it does not grow worse, until next July, when, it is to be hoped, if our harvest fails not, the cry will cease. Some of my colleagues, and particularly the minister plenipotentiary of Spain, have had a fund placed in their hands by their governments to relieve to a certain degree the pressing wants of the poor, while others have contributed relief from their private purses. I respectfully suggest that if you can place a few hundred dollars in my hands for this purpose it shall be promptly and judiciously applied as a government charity, and together with what I shall continue to contribute out of my already overtaxed and small salary, it shall appear that our government is not behind others in relieving the pressing necessities of the starving and scourge-stricken poor.

I have the honor to be, sir, very respectfully, your obedient, humble servant,

JESSE H. McMATH.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. McMath.

No. 38.]

DEPARTMENT OF STATE,
Washington, October 12, 1868.

SIR: There is a rumor here that differences in regard to precedence have arisen among the members of the diplomatic and consular body at

Tangier. As you have not mentioned the subject in your dispatches, the department has not been disposed to attach importance to it. If, however, the rumor should prove to be well founded, you will make a full report of the matter.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JESSE H. McMATH, Esq., &c., &c., &c.

Mr. McMath to Mr. Seward.

No. 61.]

CONSULATE OF THE UNITED STATES OF AMERICA

FOR THE EMPIRE OF MOROCCO,

Tangier, November 16, 1868.

SIR: In reply to your dispatch No. 38, dated the 12th ultimo, I have the honor to transmit herewith a copy of so much of the sanitary circular as relates to the question of precedence which has arisen among the members of the representative corps in this city. In submitting this lengthy paper I deem it proper to offer a few remarks which I consider necessary to a proper understanding of the question.

Previous to the advent among us of the minister of France, and for some time thereafter, the corps of representatives was guided in all matters of business and ceremony, either among themselves or collectively, with the Moorish authorities, by the rule of perfect equality, except in the single instance of attending in a body the funeral of a deceased colleague or other foreign employé.

In matters of business which require the presence of all chiefs of missions, they met, turn by turn, at the residence of each other; and when it became necessary to make a collective written representation to the Moorish authorities, the chief at whose residence the document was written would first sign, and the rest would follow in alphabetical order in the French language. You will oblige me by referring to my dispatch No. 27, dated May 15, 1865, and you will see a copy of "the collective opinion of the representatives of foreign powers in Morocco," addressed to the minister of foreign affairs. That opinion was written at the residence of the Belgian consul general, and signed by us in the order mentioned. Up to that date and until after we had signed the convention concerning Cape Spartel light-house, and even subsequent to that transaction, the old rule of perfect equality without distinction of grade had been adhered to by all the representatives, with the single exception above mentioned. Anterior to the date of the convention of 31st May, 1865, between his Majesty the Sultan and the Christian powers, and while the same was in course of preparation, it became necessary for its accomplishment to hold conferences for the purpose of perfecting it and the "regulations," for the control and maintenance of the light-house. They were held turn by turn at the residence of the several representatives taking part in the convention. The minister of France participated on terms of perfect equality at the respective legations and consulates. He consented to the regulations which gave the presidency of the commission to each of the representatives in alphabetical order, commencing with the consul general of Belgium, and after its form and the regulations made in pursuance of its terms were completed, adherence to the old rule caused us to meet at the residence of the Belgian consul general for the purpose of signing and sealing the same. It was signed and

sealed in the order indicated, commencing in this instance with the copy for Austria—the English minister is the agent general for that power; and I am not aware that any objection was raised by the minister of France to this manner of transacting business, in which all had an equal and common interest, and which involved a question of ceremony as well. The convention was exchanged at the ministry of foreign affairs; on that occasion the first exchange was made and certified between Morocco and Austria, other nations following in the order mentioned. It is certainly strange that he did not assert the privilege of his high grade on these several occasions, and be first in business and ceremony. The Morocco board of health, a creation of one of the former Sultans, is composed of the representatives of foreign powers. Its presidency passes monthly by turn to each chief of mission. If the treaty of Vienna, to which the Sultan is not a party, gives precedence to the minister of France, in that event he would become not only the permanent president of the board of health, but of the international commission as well, simply because that treaty applies to matters of business as well as ceremony, and the minister has already declared, as you will see, that he will never go to an official reunion at the house of any of us. In view of the past I do not think his official dignity would be compromised if he were in the future to attend reunions at the residence of those whom he is pleased to designate as his true colleagues, or that other class whom he regards simply as commercial agents. "Everything for the minister, the minister for France," seems now to be his motto. While writing my opinion in the circular I had my mind fixed on the business matters above mentioned, but I made no reference to them. I did declare a fact with regard to the first ceremonial visit, and I then assumed the position that the minister was not our dean, and I still think he is not, in the sense that he uses the word. No one will know better than yourself whether or not I was accredited by President Lincoln to his Majesty the Emperor of Morocco. The minister thinks I was not; for he declared in the presence of all the chiefs that a number of us had identically the same positions as a consul general—commercial agent—under the orders of a legation in a capital. I claim that our official positions—and I now speak of consuls general chiefs of missions—in this country are quite different from what they would be if we were residing in a civilized country, and invested with the same title which we hold here. This difference, however, does not arise from title, but from the exceptional state of society in which we find ourselves charged with complex functions and extraordinary powers under our titles. The minister of France is not, nor from the nature of things can he be, the repository of a greater trust, or charged with greater responsibility. He is a minister, and also a consul, and he discharges daily or when necessary the duties pertaining to the latter office. We are called upon to discharge the duties of a higher grade, but we receive the designation of a lower one.

No one denies his high grade, but I feel safe in saying none of his colleagues, true or otherwise, would consent to sink their official character in the presence of the minister of foreign affairs and let him be their collective mouthpiece. We stand upon an equal footing before this government, and the minister of foreign affairs treats us all with the same degree of respect and consideration. I am a consul, but I am designated by everybody as a consul general. The minister of foreign affairs shows me the same respect and esteem that he shows to the minister of France, for the simple reason that while the latter is charged to confer with him on matters pertaining to France, I am charged to confer with him on matters pertaining to the United States. The minister of foreign affairs looks no further.

Throughout this controversy I have been guided by the single consideration of maintaining intact the dignity of the representative of the United States in this country. Nothing more, nothing less.

I have the honor to be, sir, very respectfully, your obedient servant,
JESSE H. McMATH.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Extract from a circular dated the 11th July, 1868, addressed by the Spanish chargé d'affaires, president, during the month of July, of the Moorish board of health.

As the question in dispute among us can only be settled by agreement of the foreign representatives, the French minister, as dean of the corps, will determine what is to be done, and I will accept any invitation he may be pleased to send me.

JOSÉ DIOSDADO.

TANGIER, July 14, 1868.

The question of the incompetency of the board in police sanitary affairs, away from the sea shore, having been decided affirmatively, I deem it my duty to issue the present circular, so that our archives may contain a document fixing the faculties of our board.

AYME D'AQUIN.

Seen and approved.

W. KIRBY GREEN,
For the British Minister.

Seen and signed by—

CASTELLINARD,
JOSE DANIEL COLAÇO,
ERNEST DELUIN.

Seen. I maintain now, as always, that our sanitary board is supreme over all questions of sanitary care, be they maritime or internal; and I entertain the hope that my honorable colleagues will yet come to the same conclusion.

JESSE McMATH.

Seen and approved.

DIOSDADO.

Seen and approved for my conclusions definitely adopted.

AYME D'AQUIN.

Seen and approved.

W. KIRBY GREEN,
For the British Minister.

Seen. I now approve, as I always have done, the opinion of our honorable colleague of the United States; yet, for the public good, I have agreed to separate the powers and duties of our sanitary board. Before signing it, however, I must put one question to our honorable dean. I will begin by declaring that I am pleased that the public hygiene on land is intrusted to the direction of the French minister, who has my whole sympathy as an individual as well as the representative of a government that I honor in the highest degree; but, as a representative of Italy, I must ask him if the title of dean comprises the rank held by the representative or otherwise. If the diplomatic representatives only can hold the place of dean, then only the representatives of Spain, France, and Great Britain can preside over the representative meetings of foreign powers in Morocco, and I cannot agree to that.

To remove all present doubt, and to prevent the establishment of a precedent insulting to Italy, I ask our honorable president if he will agree that the title of dean be hereafter given, without distinction of grade, to the oldest representative, beginning to-day with the representative of the imperial government.

CASTELLINARD.

I will delay the expression of my opinion about the power of our board till we have passed through the present sanitary crisis. My whole effort now is to preserve this city and the country from an invasion of the cholera; I am willing to resort to any means.

JOSE DANIEL COLAÇO.

Seen and approved for the second and last time. I await the decision of the French minister.

Seen only, as I have already approved.

ERNEST DELUIN.

DIOSDADO.

Seen and signed.

JESSE H. McMATH.

I confess that I take up the pen very unwillingly on a subject that ought to have been settled by the present circular, or by the resolutions already adopted by the foreign representatives. The Italian agent and the consul general of Portugal agree in opinion with the consul general of the United States, that the board of health ought to be limited to its original duties, notwithstanding its assent to the new state of affairs adopted in March last. I will, therefore, leave untouched a question which I consider settled.

Though this is not the place to answer certain interrogatories propounded to me, I will merely say to the Italian agent that I have never accepted, as my colleagues know, any direction in the *land hygiene*. By request I expressed our views to the local authorities, declaring solemnly at the time that I assumed no responsibility for the execution of the requests. I, therefore, politely refuse the responsibility which Count Castellinard wishes me to assume.

In reply to the question of the Italian agent, as dean of the corps, I refer him to the treaty of Vienna, which settled the question of precedence. If Count Castellinard will take the trouble to read that international treaty, I think he will be convinced of the legality of the precedents established at Tangier, which he believes so insulting to Italy. If he cannot accept that decision nor the regulations adopted by the treaty, I must inform him that I do not consider it my place to discuss the matter, and much less my duty to institute reforms on the subject.

In conclusion, I must say to the consul general of Portugal, who declares, in allusion to the accord recently adopted by us, *that all means are lawful, under present circumstances*, that I do not accept, as dean, the character which he gives to the accord. I shall always be ready to consider the ideas of my colleagues when referred to me; but I am not pleased to know that the accord of one of them was compulsory.

AYMÉ D'AQUIN.

I am satisfied with the explanations given by the minister of France to the interrogatories put to him by the consul general of Italy.

W. KIRBY GREEN,
For the British Minister.

Considered. As I am acquainted with the resolutions of the international treaty of the 19th of March, 1819, I submitted the remarks which I made to our dean, and which he has answered. Though now torn in pieces, the treaty of Vienna is very precise on the subject of precedence of diplomatic employés. They are arranged in three classes; in the third paragraph of Article I, it says the second class shall be composed of *envoys, ministers, or other persons accredited to sovereigns*. I will not dispute the grade of any one; but, as the representative of Italy in Morocco, I believe it my duty to claim the right of president of the light-house board, or of the board of health, as the case may be, or as dean of the diplomatic corps, under circumstances like the present, and will not consent that Italy, whose representative is equal to any others here, shall descend to an inferior position. As I answered last, my turn may never come round, yet I defend the principle because I believe it my duty to do so. I should have said this much before had I foreseen the complication. I beg the honorable dean to pardon me, and ask him to apply the old axiom, "better late than never."

CASTELLINARD.

As I put no question to our honorable dean, the minister of France, I cannot accept his observations. I sided with the majority when the question of the local police came up; but, finding a great difference between police regulations and public health, I say the latter deserves the deep consideration of our board, whether on land or sea, particularly when we are threatened by an epidemic. The late accord was effected in a spirit of conciliation; because, as a sanitary board, we have no jurisdiction in the case. I am pleased to say that I agreed with the majority, because I thought I was doing good thereby. I would have acceded to any agreement proposed by the representatives to secure the public health of our city against the scourge now raging in so many other parts of Morocco. For that reason I said I would agree to any means to effect that end; and the same was said by the English minister, as shown in another portion of this long circular.

JOSÉ DANIEL COLAÇO.

As the question brought up by our colleague of Italy is irrelevant, I move that this circular be closed, with the privilege of further discussion if called for.

ERNEST DELUIN.

Having read the preceding, I declare that I do not wish to dispute a point settled by the treaty of Vienna.

DIOSDADO.

Previous to the treaty of Vienna, the uncertainty of the forms that regulated the intercourse between members of the diplomatic corps led to frequent and serious diffi-

culties, and sometimes to wars. This treaty extirpated all these difficulties, as far as questions of precedence were concerned, and these had ever been found the most serious. It declared that every question of that nature should be settled by *the rule of time*. He who had been longest at a court or government *is to be first*. The relative power of the nation he represents is to count nothing. This is a rule satisfactory to small states, and it is to the praise of large ones that they established it. It applies to all intercourse where competition can arise, whether of *business* or *ceremony*. Hence the member of the corps last arriving *pays the first visit*. The rule does not overleap *classes*; it applies only to those of the *same class*. Now my honorable colleague of France, in responding to the inquiry of my honorable colleague of Italy, said "that he could give to him no better explanations than those derived from the treaty of Vienna, which has established the rules of precedence." While this reply may be satisfactory to my honorable colleague of Italy, it falls short of carrying with it the conviction to my mind that my honorable colleague of France is the dean of the diplomatic corps in Tangier, and entitled to precedence. I claim he is not the dean.

I shall now quote that part of the treaty which is relevant to the position which I maintain on this subject:

"ARTICLE 1. Diplomatic agents are divided into *three classes* :

"*First class*.—Ambassadors, legates or nuncios.

"*Second class*.—Envoys, ministers, and other agents accredited by the sovereigns.

"*Third class*.—Chargé d'affaires accredited by the department of foreign relations.

"ARTICLE 4. Diplomatic agents of the *respective classes* (1, 2, 3) take rank according to the date of the official notice of their arrival."

There are no representatives in Tangier belonging to the *first class* above recited. Each representative in Tangier, no matter what his *title* may be, belongs to the *second class* above recited; that is, if when he came here to reside in an official capacity, he brought with him a letter of credence from his sovereign, addressed to his Majesty the Sultan of Morocco. I am not aware that we have in our midst any representative of the *third class* above recited. It therefore remains to apply the *rule of the treaty to the fact*. The rule of the treaty is *time*. He who has been longest at a court of government *is to be first* at that court of government. The member of the corps last arriving *pays the first visit*. We (the accredited agents) are of the same class, (*second class*), and take rank according to the date of the official notice of our arrival. Let me suggest a fact within the knowledge of all my colleagues, except the agent and consul general of Italy. On the arrival of our honorable colleague of France, he made us the *first visit*. It follows, then, that he has not been longest in our midst, but it does follow that every one of my colleagues, including myself, except my honorable colleague of Italy, have been accredited by our respective sovereigns to his Majesty the Sultan of Morocco, previous to the arrival of my honorable colleague of France. In what sense, then, is he entitled to precedence over the minister resident of Great Britain, the consul general of Sweden, the consul general of Portugal, the consul general of Belgium, the envoy extraordinary and minister plenipotentiary of Spain, and the consul general of the United States? I hope each one of my honorable colleagues above named will give his individual opinion on this question, and let us all understand on what principle the second in juniority can be admitted to be the dean. If *title* regulated this question, there can be no doubt that Mr. Merry would take *precedence* over all of us; but by the terms of the treaty we all belong to the *second class* of representatives, and are on a perfect equality, except as to the question of seniority; the deanship and his higher title of envoy extraordinary and minister plenipotentiary is regulated by time in the same manner as is the *title* of other accredited agents. Now, as *time* and not *title* regulates the question of precedence by explicit terms of the treaty, I suggest to all my honorable colleagues that a meeting be held some time this week to determine who is our dean; and in order to avoid for the present the question of seniority, I suggest that we shall meet at the residence of the junior member of the diplomatic corps, our honorable colleague of Italy.

In conclusion, I have the honor to say that I entertain for my honorable colleague of France, as a gentleman and representative, the highest degree of respect and esteem. I admire and acknowledge the great interest he has always manifested in the preservation and protection of the public health, and for the many sage opinions expressed by him, from time to time, in circulars submitted to him and my honorable colleagues. I will go further and say that it has always pained me to be compelled to differ from him on any question of public interest, and in an especial manner does it grieve me to differ from him on the question of seniority raised by our honorable colleague of Italy; and I must declare with perfect frankness, if that question did not affect the dignity of the representative of the United States in Morocco, I would have remained silent; but from my reading and interpretation of the treaty of Vienna, I cannot accord to him the title of doyen, nor can I admit that he is entitled to that distinction. I pray him, however, to have the goodness to pass the circular another time.

JESSE H. McMATH.

I do not desire to continue a polemic in this circular upon a subject which does not concern sanitary matters, but I hope the perusal of my honorable colleagues of Italy and the United States of the accompanying printed paper will satisfy them that ministers plenipotentiary take precedence of *other agents* accredited to sovereigns, and that the latter are not included in the second class.

(Here the British minister resident quotes in a printed paper the treaty of Vienna, of June 9, 1815, and the protocol of Aix-la-Chapelle of 21st November, 1818.)

By the protocol of 21st November, 1818, it will be observed that ministers resident form an intermediate class between ministers plenipotentiary and chargé d'affaires. If other agents accredited to a sovereign belong to the second class, then I, as minister resident, would have to give precedence to a consul général accredited to the Sultan, who might arrive to-day, though I presented my letters of credence as agent and consul general in 1845, and as minister resident in June, 1860.

Having been instructed by the British government many years past to be guided by the treaty of Vienna in all questions of precedence with my colleagues, I must clearly declare that though I am the representative who holds letters of credence to the Sultan of earlier date than any one of my colleagues, I cannot claim the position of doyen as long as there is a representative here who bears the rank of minister plenipotentiary.

Though I should be most happy to meet the wishes of my honorable colleague of the United States, and attend a meeting as he proposes, I think, after the above explanation and declaration, my presence at least would not be required.

J. H. DRUMMOND HAY.

Since the present circular does not concern the duties of the board of health since the 4th of March last, I propose that it be detached and sent to our honorable dean. I have carefully read Sir Drummond Hay's remarks, and must say, that I think the provisions of the protocol of Aix-la-Chapelle, of the 21st November, 1818, in relation to his diplomatic rank, do not affect the position accorded to me and my colleagues in Morocco by the treaty of Vienna. I must here repeat, that in the third paragraph of article first of said treaty, it is explicitly declared that the second class of diplomatic employés is composed of envoys, ministers, and others accredited to sovereigns. Now I am accredited by my august sovereign to his Majesty the Sultan, and consequently belong to the second class of diplomatic employés in Morocco. If I am not mistaken, article fourth of the same treaty confirms what I have advanced. Here is the first section of that article: "Diplomatic employés shall take rank among themselves in each class according to the date of the official notification of their arrival." Neither in this article, nor in the first, is there any mention of *grades*; only the *class* is mentioned, and it is that class of diplomatic employés in Morocco to which I belong, by virtue of my letters of credence.

As I am not decorated with the title of minister resident, I cannot claim to belong to the third class reserved for that diplomatic grade; yet I never had the most remote idea of disputing the right of my honorable British colleague to belong to the second class, by virtue of his letters of credence to Morocco.

The British regulations of precedence among consuls is generally adopted by all the Christian powers, because there are diplomatic employés accredited to those nations, and they must have precedence, while consuls are only provided with an *accreditation*. Here my letters of credence as only representative of my august sovereign are accepted, and therefore I belong to the second class of diplomatic employés, by article first of the treaty of Vienna.

As I recognize the title of dean conferred upon our honorable colleague of France, not only in deference to his high grade but to his qualifications, I must decline the honor of seniority put upon me by the representative of the United States, because I regard it as already settled to the satisfaction of all, even of our honorable colleague, Mr. McMath.

My sole object in expressing this opinion is to show that the representative of Italy, by virtue of the treaty of Vienna, will have the same right to the title of dean of the diplomatic corps as any other representative.

CASTELLINARD.

The government of Morocco regards us as equals, without reference to the treaty of Vienna, and any partial discrimination would be an insult to the crowned heads which we represent; and I protest, in the name of my sovereign, against any discrimination.

Now, in reference to our diplomatic acts, in which precedence is discussed, I must adhere to the regulations of rank among diplomatic agents, (17th annex to the final act of the congress of Vienna,) signed by Count Palmella for Portugal, unless different instructions are given to me by my government. However, if the meeting of my honorable colleagues takes place, I will certainly attend, to try to settle the question mooted in the circular.

JOSÉ DANIEL COLAÇO.

I agree with the chargé d'affaires of Spain that it is not our business to discuss, or even interpret the regulations of the congress of Vienna, fixing the rank of diplomatic agents accredited to the same court. In my opinion, the question amounts to this: can consuls general and ministers accredited to the Emperor of Morocco pretend to belong to the second class of diplomatic employés, comprised under the denomination of envoys, ministers, or others accredited to sovereigns?

The words, "ministers or others," in the regulations of the congress of Vienna, seems to put our colleague of Italy in the right; yet the congress of Aix-la-Chapelle clearly establishes the contrary, in saying that ministers resident, accredited like other envoys to sovereigns, are not considered as forming a part of the second class.

The case of agents accredited to sovereigns in certain countries outside of Europe, with the simple grade of consul general, was certainly not provided for by the plenipotentiaries of the treaty of Vienna, nor by the signers of the supplementary act of Aix-la-Chapelle; and if those personages had condescended to notice employés of that rank, they would have put them in a class between ministers resident and chargé d'affaires; for they could not be put above ministers resident nor below chargés, who are not accredited to sovereigns in Europe, but to ministers of foreign affairs.

Until it is decided by proper authority what relations consuls general in Morocco shall bear to the other envoys there, I have determined to be neither flesh nor fish. I will, however, attend the meeting proposed by our colleague from the United States, if only to relieve us from the *circulomania* that is now inflicting us.

ERNEST DELUIN.

The president has the honor to say to the French minister, that the circular, beginning with a demand for the pay of the Morocco guards stationed at the port of Tangier, and ending with a discussion about the regulations of the congress of Vienna, has just reached him. The president is not to blame because it skipped from North America to England, without passing through France.

The president now sends the said circular to the French minister, with the request that he keep it or circulate it, just as he pleases; as it does not concern the board of health, the president does not know what to do with it.

The president has the honor to inform the French minister that the circular in question was officially asked for by the consul general of Sweden and Norway. The President sent an official answer to the said consul general, informing him that the circular would be sent to him.

The French minister is, therefore, politely requested to hand it over.

DIOSDADO.

I have nothing to add to this polemic, except to say, that, as my grade of French minister plenipotentiary comes to me from the Emperor, I leave it to his government to decide if I am dean of the diplomatic consular corps at Tangier. It will also decide the dispute with the agent and consul general of Italy. In the mean time, I concede to none the right to dispute my prerogatives, and, until it is otherwise decided, I shall know how to make them respected.

Now, gentlemen, allow me to add, that some of us are mistaken in affirming the equality of our grades. I think proper to inform you that those of us who are neither ministers nor chargé d'affaires, or agents, do not belong to the diplomatic body, but to the consular corps. The first of these two classes has generally the good taste not to make the second feel this distinction. For my part, I think I have always observed this rule, so as not to wound my true colleagues, and I give them all the same title. Hereafter I shall give to each his proper title. I do not mean by this to give offense, but I wish thus to determine the rank of each of us, in consideration of the singular question that has been put to me. I will inform the consul general of Portugal that he is mistaken in the equality he asserts. In all public ceremonies in Morocco, our grades are perfectly observed, and I will never allow it to be otherwise, as far as I am concerned. At the scherriff receptions and private audiences of the Sultan, foreign ministers have the privilege of taking seats, while consuls general of the Christian powers are obliged to stand in presence of his Majesty when seated on his throne. Does that signify that the nation of the agents who are not ministers is lessened in consideration? Most certainly not!

I have nothing more to say except that my opinion is fixed, and if it is not concurred in by my colleagues, they need not try to make me change it. I concede them no right to discuss the question, and if my diplomatic prerogatives are again contested, I shall appeal to my government, without saying anything more here.

In reference to the president's request to keep this circular, I cannot comply with it. As it began with business concerning the presidency, it ought to go back to his archives. I will, however, send it to the consul general of Sweden and Norway, with the request that it be sent to the British legation, so that it may go round and be discussed by all. I will have nothing more to do with it.

AYMÉ D'AQUIN.

POSTSCRIPT, July 25.—At a meeting held to-day the chargé d'affaires of Spain and the consul general of the United States, and of Sweden and Norway, asked for my opinion on the second part of the circular, and I told them I would retract nothing of what I had said.
A. D'A.

As the minister of France has no right to discuss and degrade the official position accorded to us by our respective governments, I can attach no importance to his personal opinion, since it has met with no response even from those whom he terms his true colleagues.

As the minister of France is alone in his unprovoked attacks, particularly hard on me, who never contested his prerogative in matters of etiquette against the representatives of Sweden and Norway, of Portugal, Belgium and the United States of America, it is beneath my dignity to refer the subject to my government.

It may be proper, however, to notice the schism of yesterday, which must operate to the detriment of civilization in Tangier. The fact has unfortunately transpired, and volumes of circulars could not reconcile us to the French minister's opinion. Having declared that he would meet none of us officially at our own houses, he cannot be offended if we do not meet him officially in his, though our respective countrymen may suffer by the determination.

During the twenty years that I have lived in this country, the foreign representatives have always discussed and solved, under their different titles, (which I have ever respected,) in perfect equality, all questions of health, hygiene, and public order, which the exceptional situation of Morocco called upon us to solve for the general good of our countrymen and protégés. Yes, this inconvenient equality is inscribed here in all our intercourse with the authorities of Morocco; it was so in the old consular corps as it is now in the health board, and was in the recent convention for the Spartelet light-house. So then, if the representative of France, or any other power, seats himself in the Sultan's presence, the consul general of Sweden and Norway, as the representative of the united kingdoms, will also seat himself in the Sultan's presence. Again, there is no question here about European courts and civilized countries, and the Sultan of Morocco did not sign the final act of the Vienna congress, nor the protocol of Aix-la-Chapelle.

Only yesterday the French minister acknowledged, in presence of all the foreign representatives, that a consul general in Europe, an unpaid commercial agent, even a merchant at times, under the order of the legation at the capital, held the same position as a consul general chief of a mission, accredited and representing his sovereign near a foreign sovereign.

In fact, we ought all to be pleased because the French minister is going to refer this matter to the imperial government.

I will not close without thanking the French minister for calling us his *dear colleagues*, at the risk of wounding his *true colleagues*.

We must be satisfied hereafter to be called simply consuls general; but we must not forget to maintain our rights.

S. EHRENHOF.

Countersigned:

J. H. DRUMMOND HAY.

I am truly sorry for our dispute about the question I addressed to the French minister in this circular, on the 15th instant, styling him *dean*. But the honorable Baron Ayme d'Aquin's declarations show I was right in asking the question, as he assumes the sole right to preside over the corps of foreign representatives in Morocco, as minister plenipotentiary, and to make known our determinations to the Sultan's vizier for the public good.

This doctrine being contrary to all precedent in Tangier, and of a nature to give to the local authorities a false idea of the rank of our respective nations, I here declare that I do not accept it.

I for one do not contest the honorable gentleman's rank; but my opinion is, that he errs in wishing to regard the representatives of the other powers in Morocco as if they were in France, or at courts that did not sign the treaty of Vienna.

Although consuls are generally considered as diplomatic agents, they do not rank with ministers at civilized courts, *simply* because they have no letters of credence; yet consuls to the Barbary States, particularly to Morocco, an independent nation, are exceptions to this rule, because they are accredited and treated as ministers. (See Diplomacy, by Thomas Hartwell.)

With these principles, and as the questions are entirely foreign to etiquette, I am ready to continue to attend the meetings of the corps of foreign representatives at the French minister's, whenever he will do me the honor to invite me; but at the same time I insist upon the same rules for the meetings of the board of health that have been held up to this date, and that they be fixed every six months, alternately presided over by the persons at whose house they take place.

CASTELLINARD.

It was my intention merely to write *approved* upon all that is found in this voluminous circular, which serves to show us that the cholera is not at present in our city; had the cholera prevailed, I am sure we would have had neither time nor inclination to busy ourselves about such a useless discussion.

But as the French minister has addressed me again, to say that I am mistaken in the equality to which I lay claim, with remarks on other public ceremonies in Morocco, I deem it my duty to reply to him, and inform him that I know the difference between a consul general and a minister plenipotentiary.

Now, the sovereign of Morocco did not sign the final act of the congress of Vienna, nor the protocol of Aix-la-Chapelle, as our colleague of Sweden and Norway remarks. He did not adopt the principles there laid down, because he is not in the community of civilized nations, and God knows if he ever will be. If we turn to this country we will perceive changes coming over it. Morocco has no representatives in civilized communities, while various Christian powers are represented here; and though we bear different titles, we are equal before the Sultan and his government, and I will never consent to be treated as inferior to the French minister, or any other agent here. I do not aspire to a higher title than I possess, but knowing as I do that nobody here comprehends the treaty of Vienna, the treatment of the government towards us gives the people an idea of the inequality of position of our respective governments. Moreover, I think the Christian powers have no definite decision on ceremonies for their ministers and consuls in Morocco. The public audience takes place, as we all know, at the sheriff's court; the Sultan is mounted on a horse that looks like his throne, and the envoy, minister, or consul stands before the sovereign. In private audiences the envoy or minister may be seated in his Majesty's presence, but the consul, as representative of his sovereign, may demand the same privilege.

The Moors know no difference in diplomatic ranks, and every agent, whether minister plenipotentiary, minister resident, or chargé d'affaires, is ambassador (*bachador*) to them. In their opinion, all diplomatic agents belong to the first class, as fixed by the treaty of Vienna.

The French minister proposes to give us hereafter our proper titles. He can do as he pleases in that particular; I see nothing insulting to us in it. I am only consul general, and he is minister plenipotentiary, as we all know. Each of us are heads of missions. I depend upon the minister of foreign affairs at Lisbon; am under no diplomatic chief here; and the French minister has a similar subordination to the minister of foreign affairs in Paris.

By virtue of our analogous positions, the French minister used to treat me as a colleague, as he did all the consuls general, and the Spanish and British ministers treated me in the same manner.

JOSE DANIEL COLAÇO.

As my honorable colleagues of the consular corps have exhausted the subject, I can say nothing, except that I have never contested the prerogatives belonging to the rank which the French minister holds.

ERNEST DELUIN.

Approved for the Spanish chargé d'affaires, and signed for him, by

P. ORTÍZ DE TUGASTI.

"Consular privileges are much less extensive in Christian than in Mohammedan countries. In the latter, they are diplomatic agents under the name of consuls. They alone are accredited and treated as ministers." This is the opinion of Wheaton, Kent, Story, Leibnitz, and other illustrious writers of America and Europe on international law.

On the 25th ultimo Monsieur le Ministre of France declared in the presence of all the foreign representatives in Tangier, that a consul general—a commercial agent—in Europe, under the orders of the legation in the capital, had identically the same position as a consul general, chief of a mission accredited and representing his sovereign near a foreign sovereign. It remains for Monsieur la Ministre of France alone to differ from the above cited law writers. For myself I adhere to their opinion.

JESSE H. McMATH.

AUGUST 6, 1868.

Mr. Seward to Mr. McMath.

No. 40.]

DEPARTMENT OF STATE,

Washington, December 30, 1868.

SIR: Your dispatch No. 61, of the 16th ultimo, relative to the question of precedence which has arisen among the representatives of foreign

powers of Tangier, has been received. In reply I have to state that every nation may consult its own pleasure in regard to the grade of its diplomatic or other representative in a foreign country. That grade must be presumed to be measured by its sense of the importance of its relations with the power to which the representative may be accredited.

Consuls have diplomatic functions in the Barbary states. The United States consul is accredited to the Emperor of Morocco. His predecessors were accredited in the same way, and the consuls at Tripoli, Tunis, and in Egypt are respectively accredited to the heads of the governments of those countries.

It is customary, where the rules of the treaty of Vienna and the protocol of Aix-la-Chapelle are acknowledged, for the eldest of the chief grade to take precedence of all others, and the eldest also when they are all of the same grade. Is this rule binding and operative at Tangier?

The French have thought proper to accredit a minister plenipotentiary to the Emperor of Morocco, who resides at Tangier, and who claims precedence over the representatives of other governments there solely in virtue of the superiority of his official grade. Is this claim indefeasible? The rules in regard to precedence above referred to, having been embodied in a treaty and in a protocol, may be technically binding only on the parties to those instruments. The United States were not a party to them. The Emperor of Morocco might disregard them for a similar reason. Those rules, however, may be said to have been merely a formal recognition by the chief powers of Europe of a custom which had been the law of nations upon the subject ever since diplomacy began in modern times. As such they have hitherto been practically accepted even by this government, whenever it may have had occasion to send representatives of any of the grades to which they refer. We have never had any officer at Tangier of a higher grade than consul. If, however, we should accredit a minister plenipotentiary to the Emperor of Morocco, we certainly should expect him to have precedence on public occasions, and in official proceedings, over the representatives of lower grade from other powers. Should not the same privilege be conceded to other states?

The advantage, if it be one, is accidental now in the case of France. It may be claimed by ourselves, or by Mexico, or by Switzerland, to-morrow.

If, as cannot be denied, the grade of a diplomatic agent implies the opinion entertained by his government of the importance of his relations with the government to which he may be accredited, this may, it seems, be properly allowed. It may, however, be taken for granted that, whatever may be the grade of such an agent, his social or public efficiency is by no means always in proportion to his grade, but will be influenced by the comparative importance of the country he may represent, and will also comport with the strength of his character and of his abilities.

It is not supposed that the tardiness of the minister of France in asserting the privileges of his grade precludes him from assuming them whenever he may deem it advisable.

Under these circumstances, the impression is entertained that it will not be contrary to your official dignity, or that of the government which you represent, to acquiesce in the application at Tangier of the conventional rule which prevails here and everywhere else.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JESSE H. MCMATH, Esq., &c., &c., &c.

TUNIS.

Mr. Heap to Mr. Seward.

No. 4.]

CONSULATE OF THE UNITED STATES,
Tunis, December 3, 1867.

SIR: I have reason to believe that the Bey has been persuaded of the necessity of introducing such reforms in his administration as shall offer guarantees which will be satisfactory to the foreign governments represented here.

It seems that he is now seriously inclined to restore the fundamental laws which were suspended in 1864, guaranteeing security to the person, property, and honor of all classes of his subjects, and which will prevent the recurrence of events which he cannot fail to perceive have received from the civilized world the most decided reprobation.

It is also proposed to make such radical changes in the system of assessing and collecting the taxes as will be a check on the agents and a protection to the people; the establishment of a board composed of experienced and responsible persons being one of the measures proposed.

These measures have been submitted to the French government for its approval and countenance, and if carried out in good faith will undoubtedly be beneficial to foreign interests, but will also give still greater preponderance to French influences. They meet, however, the approval of the British government, which is here generally antagonistic to France. It is in fact through the influence of her Britannic Majesty's agent and consul general that these measures have been accepted by the Bey. He is recently from Paris, and by his representations there, delayed the departure for Tunis of a considerable naval and military force. Should these measures not be carried out in good faith, it is quite probable that a portion of the French army and fleet, now at Civita Vecchia, will be sent to Tunis. These reforms do not come spontaneously from his Highness, but have been suggested to him as the only means of saving his regency from foreign occupation.

The details, which have been confidentially communicated to me, are likely to be modified before they are finally adopted, but I hope to be able shortly to inform the department of the decision of the foreign office in Paris, on which everything for the present rests.

I am, very respectfully, your obedient servant,

G. H. HEAP.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Heap to Mr. Seward.

[Extract.]

No. 6.]

CONSULATE OF THE UNITED STATES,
Tunis, December 6, 1867.

SIR: I have delayed until now any mention of the deplorable events which have kept this unfortunate country in a state of painful excite-

ment and apprehension since September last. Mr. Cubisol, the late acting consul, had not placed on record his correspondence with the department during the time he was in charge of the consulate. He has just furnished me with copies of his dispatches, which are full of interest.

Happily this country had been exempt for many years from such sanguinary scenes as have succeeded each other with alarming rapidity during the last few months, and the people seemed to be steadily advancing in civilization, if not in prosperity. * * * * *

I shall not enter into the particulars of the late insurrection which the dispatches of Mr. Cubisol have brought so graphically and thoroughly to the knowledge of the department, but confine myself to a brief synopsis of these events, which may be useful for reference.

In September last, certain Arab tribes inhabiting the mountains in the western district near the Algerian frontier, who had for some years refused to pay taxes or tribute to the Bey, their master, and for several months been in arms against him, gave still more serious cause for anxiety by more daring acts of hostility to his authority. The nature of the country gave them great facility for defying the force he had sent against them under General Zarook, which was able only to watch the tribes, but was quite too small to follow them into their mountain fastnesses.

The position was unpleasant and humiliating, but if the Bey was unable to reduce the Arabs, he could at least do as he had done heretofore—let them alone, losing only, in addition to his prestige as ruler, the arrears of taxes due by them, which in the depressed condition of his finances was doubtless what he valued the most.

But the situation was rendered too serious to be longer neglected when it was discovered that Sidi Adel Bey, his Highness's youngest brother, had disappeared from the bardo and joined the insurgents, with the hope of being elected their leader. The Bey, now seriously alarmed, immediately dispatched Sidi Ali Bey, "Bey of the Camp," and heir presumptive to Begia, in the vicinity of the insurrectionary district, with re-enforcements, and to take command of the army, as General Zarook declined to assume the responsibility of arresting a prince of the reigning family.

Partly by force and threats, partly by persuasion, but mostly by means which are found irresistible in these countries, Sidi Ali Bey soon got his brother in his power, and at the same time a number of the prince's adherents who had accompanied or joined him in his flight. These were soon induced to divulge the names of all who were in the plot, and so many were inculpated that soon the dungeons of the bardo were gorged with prisoners.

Two of Sidi Adel's principal officers were executed in the camp, and the prince was sent with the remainder to the bardo, where he was kept in confinement in his own palace. Nearly 200 sheiks and principal men of the tribes, who were captured at the same time, were sent to the bardo and the goletta, where they received various sentences; some were exiled, some bastinadoed, and many were confined to the Bey's ships to do duty as common sailors, and kept under a strict surveillance.

A few days after Sidi Adel's flight two generals of division, friends of the prince, were strangled at the bardo by order of the Bey; one was Sidi Ismail Sunni, (his Highness's brother-in-law,) and the other Sidi Reehid. This took place in the early part of October, without subjecting them to the ordinary course and procedure indicated by the law, and without permitting them the means of offering a defense.

It appears that the Bey was induced to take these severe measures by

the real or supposed discovery of a plot by which the troops were to be brought over to act in the movement, and that even some of the officers of his body-guard had been seduced from their allegiance. * * *

Adel Bey died on the 4th of November, it was reported, of camp fever, and Ben Gadam and Ben Dahar, chiefs of the great Arab revolt of 1864, and who had been kept in confinement at the goletta ever since, died a few days before the prince in their prisons.

Since then from fifteen to twenty other persons, who were compromised by the disclosures of Sidi Adel and his companions, have been exiled to Syria.

These deplorable events have filled the country with consternation. It seemed a return to the barbarous practices of a period far remote, which it was thought a long contact with the civilization of Europe had rendered impossible.

Although the constitution promulgated under the preceding reign was suspended during the rebellion of 1864, and though it has not been renewed since, it was not thought possible that the Tunisian government would defy the opinion of the civilized world to the extent of perpetrating deeds darker and more atrocious than had been committed under any previous reign. They have received the severest reprobation from several of the principal European governments, who, in communicating on the subject with their representatives here, have expressed the utmost horror and indignation. I have been permitted to see some of these dispatches, in which diplomatic etiquette is well-nigh forgotten in the expression of the sovereign's displeasure that one who had received testimonials from every crowned head of Europe on account of his efforts to advance the welfare of his people, should suddenly have relapsed, as it were, into barbarism, and reproduced scenes which it was hoped had passed into history with other bad things of the past.

In the midst of a severe epidemic, the country suffering from a drought of over two years' duration, the population sinking under poverty, pestilence and famine, these events produced the most profound and painful sensation.

It was natural that the death of Sidi Adel, preceded as it was by those of the two Arab chiefs at the goletta, should have given rise to the darkest suspicions, which seem, unfortunately, too well founded. Others of lesser note died or disappeared suddenly about the same time, and these tragedies would probably have continued had not the consuls of France and Italy and some others interfered.

* * * * *

I beg the indulgence of the department for this long dispatch, but I hope it will be found useful as a sketch of the events of the few last months, the details of which have been ably related by Mr. Cubisol.

I am, sir, with great respect, your obedient servant,

G. H. HEAP,

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Heap to Mr. Seward.

No. 7.]

CONSULATE OF THE UNITED STATES,

Tunis, December 20, 1867.

SIR: I have the honor to acknowledge the receipt of dispatch No. 3. I have communicated its contents to Mr. Cubisol.

I regret to report that since my last the sufferings of this popula-

tion from famine and the inclemency of the weather have frightfully increased. A few days since one hundred and nine persons died of starvation in the streets of the city, and I was told by a gentleman that on his way from the goletta to Tunis he found the bodies of three Arabs on the road. The greatest mortality in the city from hunger and cold was on the 10th instant, when, I am informed, it reached one hundred and forty-two.

The news from the interior is equally distressing. It is impossible to obtain even an approximate estimate of the number who perish daily from starvation in all parts of the regency, but it is known to be very great.

Supplies of grain have reached here, but thousands have not the means of purchasing it.

Notwithstanding the rains, which give promise of abundant crops, large tracts of lands remain untilled for the want of cattle or seed-grain. The price of wheat is \$3 per bushel and of barley \$1 50.

Arab women offer their children to Christians for a few coppers to purchase bread.

This stricken people bear their misery with patience and resignation. I hear of no disorder or disturbance. Starving men, women, and children lie literally starving a few yards from the provision stalls, gazing with wistful eyes on the coveted food, yet they commit no act of violence, or scarcely of pilfering.

Among the Christians, who number upwards of ten thousand in the city and its environs, there is much poverty and suffering, but they receive some relief.

The Jewish population is about twenty thousand. The richer members of this persuasion have done more for their poor than all others of the inhabitants combined for theirs.

The Mahometans alone view the suffering of their brethren with stoical apathy or indifference. They look upon it as a dispensation of Providence, which it would be useless, perhaps sinful, to mitigate. Their fanaticism is made a ready apology for their avarice.

A feeble effort was made recently to give food and shelter to the Mohometan poor, but the relief so grudgingly offered was totally inadequate. A Moorish hospital, richly endowed, receives the corpses picked up each morning in the streets, to prepare them for burial, but refuses admission to the living. Children scarcely able to walk are found wandering in the streets, crying for food, their parents having died or forsaken them. Many are sheltered and fed by charitable Christians.

The scenes daily witnessed in the streets are distressing in the extreme.

I am, very respectfully, your obedient servant,

G. H. HEAP.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Heap to Mr. Seward.

No. 10.]

CONSULATE OF THE UNITED STATES,
Tunis, January 4, 1868.

SIR: On the 27th of December, 1867, two hundred of our fellow creatures died of hunger in the streets and ruined tenements of this city.

The daily average of deaths from this cause alone is considerably over one hundred, and the prospect for the future is gloomy in the extreme.

The foreigners resident here do what they can, and there is a great deal of private charity, but after providing for the first necessities of their own (the European) poor, little is left for the wretched natives.

In this city we rarely hear of any cases of violence. Latterly, the murder of a Jew created a sensation, which proved how rare such acts are; but I regret to learn that the same tranquillity does not prevail in the interior, where the Arabs, driven to despair, attack and pillage travelers and even caravans.

It is sickening to meet in our drives and walks the corpses of those who have perished on the roadside.

A well authenticated case of starvation in the United States thrills the community with horror. Imagine, sir, a whole population stricken with famine, and hundreds dying daily for want of food.

I am forbidden to appeal through the papers to the proverbial charity and liberality of my fellow countrymen. But such an appeal, if made under the authority of the department, cannot fail to have a good effect.

My pen is totally inadequate to describe the heart-rending scenes we daily witness, and it is dreadful to hear the cries of the hungering wretches at night.

These poor creatures seem to be forsaken by the whole world. They have no friends on this side of the grave. Should America, out of her abundance, send succor to them, what a reflection it will be on those nations so near to them, but so cold and indifferent to their sufferings.

They have no claim on us for help as the Irish had, except that of a common humanity. How much more would the unexpected bounty be appreciated, coming so opportunely and from so far.

Coarse bread and common woollen stuffs can be had at reasonable prices, and that is all these people need to keep them from suffering.

I venture to make this appeal to the department in the hope that it may be induced to bring it prominently before the public. Many here look to the United States for help. They have heard so much of our liberality to other nations in distress, that they cannot but hope some small share of it may be extended to this starving people.

I am, very respectfully, your obedient servant,

G. H. HEAP.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Heap to Mr. Seward.

No. 11.]

CONSULATE OF THE UNITED STATES,
Tunis, February 27, 1868.

SIR: Although already overburdened with debt, the Bey's government has recently endeavored, by means of a new loan, to relieve its finances from the exhaustion to which they are reduced by the failure of all regular sources of revenue.

Through General Musalli, director of foreign affairs, who is now in Paris, negotiations were opened with the banking house of "International Credit," whose president, Mr. Bureau, came here to arrange about the loan, and also to establish a bank. These measures created much alarm in the business community, as it was evident that the proposed

issue of from fifty to seventy millions of francs in paper, with a forced circulation on a metallic basis, and that probably nominal, of ten millions only, would give the finishing stroke to the commercial interests of the country. Happily, these fears were allayed by the bankruptcy of Mr. Bureau, on his return to Paris.

The Bey is now reduced to such extreme penury, that his body-guard is sometimes left without rations for twenty-four hours, and his purveyors have often difficulty in providing for his own table.

The famine continues its frightful ravages. During the forty days ending the 6th instant, the number of interments from the establishments where the dead are prepared for burial was eight thousand two hundred and thirty—a daily average of over two hundred—of whom over one hundred and seventy-five died of hunger, and this in the city.

The carelessness with which the bodies have been interred, and the general misery and poverty, are bearing their fruits. Malignant fevers are prevailing, and we are threatened with an epidemic more fatal, even, than that which swept the regency last year.

As the authorities, though frequently urged by the consuls, not only took no measures for the cleansing of the streets, but neglected their own regulations for the burial of the dead, permitted deposits of bones, hides, and rags, in the most thickly populated parts of the city, and of carcasses of animals in the open spaces, the accumulation of filth of every description in all the streets, and other nuisances too numerous and too disgusting to mention, it became necessary for self-preservation that the foreign population, numbering here some ten thousand souls, should adopt measures for the public health.

A "Council of Public Salubrity" has been created, consisting of eight members, representing and elected by the different nationalities, and presided over by a consul, which is already proceeding, with ample means at its disposal, to the herculean task of cleansing and purifying this Augean stable. I am at present the president of the council, and trust we shall succeed in removing most of the sources of pestilence with which our quarter is filled.

A disease resembling the cattle plague having been denounced to the board of health, which is composed of the consuls, it has appointed a committee to examine and report on the subject.

There is every prospect of a bountiful harvest this year. The oil crop, which is the principal one, promises to be abundant. Two or three good crops in succession will be sufficient, if no fresh disaster occurs, to restore the country to at least its former prosperity. Before the next harvest, however, fully one-third the population will have perished.

The Bey has recently received a complete battery of artillery from the King of Italy, in return for a bronze cannon of large dimensions and exquisite workmanship which the Bey had presented to the King. The presentation was made at the goletta, with much ceremony, as the Tunisian government was glad to give *éclat* to an interchange of courtesies, which seemed to do away, in some degree, with the odium which attaches to it since the events of last fall.

I have the honor to be, very respectfully, your obedient servant,
G. H. HEAP.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Heap to Mr. Seward.

No. 14.]

CONSULATE OF THE UNITED STATES,
Tunis, April 23, 1868.

SIR: I have not informed the department of the various plans of reform which have been, within the last few months, successively proposed, momentarily entertained, and finally postponed or rejected by the Bey's government, as they have resulted in nothing definitive.

The dilapidation of the finances, the venality of the employés engaged in the collection of the revenue, the entire disregard of the claims of the government creditors, the reckless issue of *tiskerus* or obligations, which have been sold in London and Paris at a discount of 96 per cent., the misery of the people, and the oppressive burden of the taxes which paralyze every branch of industry, are all evils which cry aloud for immediate and radical reforms.

A project has latterly been submitted to the Bey by the representative of France, whose citizens with those of England and Italy are the principal creditors of the government. But as it placed the finances under the exclusive control of a commission composed in majority of Frenchmen—one of whom, the vice-president, was to be named by the French government—and allowed two only of the eight members to be named by the Bey; and, moreover, as the project ignored the interests of the English and Italian bondholders as well as the sovereign rights of the Bey, the consuls of England and Italy exerted their influence to cause the rejection of this scheme and urged the adoption of one more in accord with principles of justice. His Highness was made to see that the acceptance of this project would be virtually equivalent to delivering his government into the hands of Frenchmen and himself subsiding into a French prefect, administering the government of his country for the benefit of France.

The whole question, through the strenuous exertions of the consuls of England and Italy, has been referred to their respective governments, and is now being debated in Paris, where, it is hoped, some plan will be adopted freed from the objectionable features so easily engendered by local and individual jealousies, and comprehensive enough to guard not only the sovereign rights of the Bey and the interests of his creditors, but also to protect in some measure his unfortunate subjects, who are invariably made to suffer the most for the ignorance, dishonesty and disloyalty of the government.

When definite reforms are inaugurated, I shall lose no time in transmitting the details to the department.

I have the honor to be, very respectfully, sir, your most obedient servant,

G. H. HEAP.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Heap to Mr. Seward.

No. 16.]

CONSULATE OF THE UNITED STATES,
Tunis, April 24, 1868.

SIR: The results apprehended from the mortality occasioned by the great destitution and misery which have prevailed here for over a year,

the neglect by the authorities of all sanitary laws, and their carelessness in the burial of the dead, are now being unfortunately realized.

A destructive epidemic is prevailing in this city and the principal towns of the regency, which, attacking all classes alike, has already carried off as many, if not more, victims among the foreigners residing here, as the cholera of last year. The disease is a malignant typhus, and it is impossible to guard against it, as the poor starving wretches dying in the streets convey the infection to our very doors.

The famine has considerably diminished. A large number of Arabs, estimated as one-half of this class of the population, have died, and the survivors now find in the herbs and roots they collect in the fields some means of subsistence.

I have received from the United States, and Americans abroad, liberal donations for the "suffering Arabs," and have been able by these and other means to clothe and feed a considerable number of women and children, which I shall continue to do until harvest. Still more considerable sums have been sent to the English consul, who has bread distributed to several hundred Arabs daily.

I regret to say that the Bey has done nothing to mitigate the suffering among his people; on the contrary, when we complained to him of this neglect, he gave orders to collect all the wretched creatures found wandering in the streets and drive them to distant points in the country, where they die by hundreds, monthly, from hunger and disease.

As the promise of abundant harvests are now on the eve of being fully realized, I hope that this afflicted people will soon be able to find relief without being, as so many now are, entirely dependent on a precarious charity.

I am, very respectfully, your obedient servant,

G. H. HEAP.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Heap to Mr. Seward.

No. 18.]

UNITED STATES CONSULATE,
Tunis, April 25, 1868.

SIR: Referring to my dispatch of the 23d instant, No. 14, I have to inform the department that, by yesterday's steamer, the chargé d'affaires of France received instructions from his government to insist upon the acceptance by the Bey of the project of reform in the financial department, of which I gave an outline in that communication.

The Bey, still acting under the advice of the agent of England, having declined to give his assent to a plan which would reduce him to a state of complete vassalage and dependence, the French representative has formally suspended his official relations with this government.

Unless sustained by England, I apprehend that his Highness will have to yield or abdicate, which he has more than once threatened to do under analogous circumstances.

I have the honor to be, very respectfully, your obedient servant,
G. H. HEAP.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Heap to Mr. Seward.

No. 19.]

CONSULATE OF THE UNITED STATES,
Tunis, April 28, 1868.

SIR: I have the honor to state on the evening of the 26th instant I received a circular from his Highness the Bey, inclosing a copy of a letter he had addressed to the Viscount de Botmilian, the chargé d'affaires of France, and informing me that by his (M. de Botmilian's) act diplomatic relations between his government and that of France were interrupted on the 24th instant.

As this event may occasion serious complications, and being anxious to give the department the most authentic information on the subject within my reach, I requested his Highness to grant me an official interview, in order to receive from his own lips explanation of the causes which had brought about this unfortunate occurrence.

His Highness granted my request at once, and received me yesterday. His Highness stated that on the 24th instant, on the arrival of the mails from France, the French chargé d'affaires had called upon him, and, producing a dispatch and a private letter, congratulated his Highness on the acceptance on the part of his government of the project for the formation of a commission having for its object the administration of the financial affairs of the regency, and requested his Highness to give to it at once his formal adhesion in the shape of a letter to the Marquis de Moustier, or to himself, embodying the eight articles or conditions upon which the commission was to be formed.

His Highness observed to M. de Botmilian that he could not comply with his demand, inasmuch as, although he had accepted the project in principle, the representatives of Great Britain and Italy had objected, not to the commission itself, but to its composition and the manner it was proposed to be carried out; and the agent of Italy having, in fact, presented a protest by order of his government, rendering his Highness personally responsible for whatever prejudice might accrue hereafter to Italian interests, he (the Bey) had formally consented to allow them time for communication with their respective governments, a course which M. de Botmilian had himself suggested in the event that a divergence of opinion between the three agents should render such reference necessary; that the matter being under the consideration of the three friendly powers, it was due to them to wait for their decision, which they would not retard to give beyond a few days, and he therefore earnestly requested that he would not press his demand for the letter in the manner and form it was required of him, and which he could not give without acting discourteously towards the governments of Great Britain and that of Italy.

The French chargé d'affaires, after having failed to persuade his Highness to change his resolution, accused him of having retracted his promises to carry out this scheme, which retraction he would represent to his government as an act of bad faith; that if his Highness was afraid of England and Italy, he ought to entertain greater fears with regard to France, his more powerful neighbor; that unless he forthwith addressed the letter he required of him, the Emperor would consider it as a personal indignity offered to him and would resent it accordingly; that his refusal would be attended with the most disastrous consequences to his person, his family, and his friends, which a persistence in his refusal would place in immediate danger.

In vain his Highness repeated his remarks, as well as his reluctance to prejudice the interests of the subjects of other governments, which, he

had reason to hope would speedily come to an understanding in common regarding a question of importance which concerned them equally, and by which decision he would abide as soon as he was made acquainted with it through their respective representatives. M. de Botmilian questioned the interest of Great Britain and Italy in this matter, but, be that as it may, he would have the letter he demanded, or he would from that day interrupt his relations and communications with his Highness. He should regret to have to take this step, because it would result in disaster to his Highness and to his family, since, if he quitted his post, France would never again send another representative to Tunis, intimating thereby that she would occupy it militarily.

All the arguments of the Bey to dissuade him from pursuing a course of moral coercion, when the question in respect to which he employed it was still under the consideration of the three governments, having proved of no avail, his Highness then earnestly begged of him not to bring about unnecessarily a rupture between him and France, with whose previous wishes he had complied; that he could not believe that it was her desire at present to make that compliance the ground of a misunderstanding between the two governments, or between his government and those of England and Italy, and that he therefore trusted, by M. Botmilian's forbearance and moderation, he would be spared future difficulties that would overwhelm him. Should it, however, be the fixed purpose of the French representative either to extort an acquiescence in his demand, or to produce complications, in that case his Highness had no alternative than to declare his inability to resist either France, England, or Italy, and that consequently, if it was the pleasure of the Emperor to coerce him and to occupy his country, he would surrender it, since he could not defend it; but in that case it would be more desirable that the intention should be openly expressed, instead of preparing the means to justify an attack by making demands which it was known beforehand could not be yielded without laying the foundation for future complications and dangers.

This painful conference lasted upwards of four hours, at the end of which time the French chargé d'affaires repeated his intention to interrupt his relations. M. de Botmilian retired to the ante-room with this menace, but said that he would give his Highness time to reflect. After some delay, and a further conversation in the same strain with the Bey's minister, M. de Botmilian returned to his Highness's presence unannounced, and in a violent and unbecoming manner said that since his Highness persisted in his refusal, and had seen fit to act towards the representative of France with bad faith, it placed him under the necessity of informing his Highness that the diplomatic relations between the two governments were suspended until instructions from his own were received.

His Highness spoke with much emotion of the distress this scene had occasioned him. His minister related the principal facts, but was frequently interrupted by the Bey with remarks on points which he seemed desirous that I should be particular in mentioning to my government.

I stated to his Highness my conviction that the government of the United States would receive the details which he had had the kindness to communicate to me with deep sympathy, and that I felt I was only anticipating its wishes in assuring his Highness that, should an opportunity offer whereby its friendly intervention could with propriety be exercised in his behalf, it would not be wanting. I reminded his Highness, however, that my government carefully abstained from all interference in discussions of this nature in which it was not immediately a party interested.

I also ventured to remark to his Highness that as a sovereign he could not yield his just rights without abdicating his throne; that their maintenance with firmness against a superior power would gain him the sympathy of the civilized world; that at the present day a decent respect for public opinion was sometimes the most effectual protection of weak governments against the encroachments of stronger ones; that the Emperor of France was a great, powerful, and generous sovereign, and that when the facts, as related by his Highness, were brought to his knowledge, there was every reason to hope that his Majesty would take no step that might tarnish his honor.

His Highness having been pleased to ask me what opinion my government would form if he should yield the possession of his government to France, I replied that my government, having sent me to represent it near an independent sovereign, I could not doubt that it would feel the deepest concern and sympathy if such an unfortunate event should come to pass. My country was eminently just towards all nations; that while it sometimes bore patiently injuries and even slights from weaker powers, it never brooked insult or wrong from an equal; and though it was not our policy to interfere in discussions in which we had no immediate interest, yet, as one of the principal powers of the world, we did not hesitate to express our disapproval of all acts of oppression, whether upon nations or individuals.

Upon taking my leave, his Highness requested me to communicate all the facts he had related to my government. I informed him that I intended to call upon M. de Botmilian for the same purpose I had in asking an interview with his Highness, and while I disclaimed all pretense of exercising any influence over him, I intimated my readiness to convey any message his Highness might be pleased to intrust to me. He said that as M. de Botmilian had thrice refused to receive the letter, a copy of which had been sent to me, it was hopeless to expect that he would in any way change the line of conduct he had traced out for himself; but he desired me to remember, and to repeat, that under all circumstances he was the devoted friend and ally of France, and that he had never, before or since his accession to the throne, experienced so much distress of mind as when he heard that the flag of that nation had, for the first time in the history of Tunis, been lowered in displeasure at the consulate.

I then called on M. de Botmilian and informed him of the conversation I had just had with the Bey, and that I now requested to hear from him, for my government's information, the reasons he might deem proper to communicate to me which had induced him to interrupt his friendly relations with this government.

M. de Botmilian stated that the Bey's minister had sent for him some three weeks ago and proposed to him that the plan of a mixed commission which should have for its object the administration of the finances of this country, &c. After some discussion as to details the plan was accepted by M. de Botmilian, and he remained at the minister's house until both it and a letter from the minister to M. de Botmilian to accompany it, and in which he begged M. de Botmilian to use his influence with his government to induce the acceptance of the project, were written. The plan in question certainly delivered the government of Tunis—bound hand and foot—over to a commission composed in majority of Frenchmen and presided over by a financial agent appointed by France. It also ignores the rights of English and Italian subjects, which are at least as important as those of the French. A few days later, another plan was sent by the minister, accompanied by another letter, which gave still greater powers to the commission. M. de Botmilian considered these

official letters of the minister binding on the Bey, and transmitted them to Paris under the full belief that the acceptance by his government was all that was now required to render the plan irrevocable. When the dispatches arrived on Friday last, conveying the approval of the French government to the project proposed by the Bey's minister, he hastened to the palace impressed with the conviction that he was carrying to his Highness pleasing news. His surprise, therefore, was great when, upon announcing to the Bey that the dispatches he had in his hand contained the ratification of his government to the second plan offered by the minister, and which the latter had, in his master's name, so strongly urged M. de Botmilian to recommend to the favorable consideration of the French government, and when he asked the Bey to address him a letter confirming the formation of the commission, to be told that his Highness having received strong protests and even threats from the consuls of Great Britain and Italy when the plan was brought to their knowledge, he was now under the necessity of refusing his assent to it. As the remainder of M. de Botmilian's narration coincided in all material points with that I had just received from his Highness, I will not trouble the department with a repetition of it.

It appears to me that M. de Botmilian placed too much stress upon the official and binding character of the plans offered by the minister. Either the Bey was entirely ignorant of the minister's letters, or their importance as being binding upon him was concealed from him.

M. de Botmilian is probably technically correct in considering an official communication from the Bey's minister as binding on the Bey himself as if it had been signed by the latter, but his previous experience of these people, and of the loose manner in which they transact business, and more especially his knowledge of the minister, should have prepared him to feel no surprise if in a matter like this he (the minister) had, for objects of his own, acted a double part. The Bey asserts that he considered the object in sending the plan or plans to Paris as merely to elicit the opinion of the French government, but that he was in no way bound by the kasnadar's letters, which were rather officious than official.

However this may be, the political question this unhappy event gives rise to is one in which all the great powers of Europe are equally interested to have satisfactorily settled. It cannot be overlooked by those which have an interest in the eastern question that it should no more originate in Tunis than on the Danube; for if one powerful neighbor attempts to justify annexation on the ground of political exigency, there is no reason why another should not follow the example on a similar plea.

For the information of the United States ministers at Florence and Constantinople I shall venture to transmit to each a copy of this dispatch, that they may be placed in possession of all the facts of an event which, though apparently small in itself, may lead to important consequences. But for want of time to make a copy in season to go by this mail, I shall send this open, under cover to General Dix, for his perusal.

I have the honor to be, very respectfully, your obedient servant,

G. H. HEAP.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Heap to Mr. Seward.

[Extract.]

No. 20.]

CONSULATE OF THE UNITED STATES,
Tunis, May 29, 1868.

SIR: I have the honor to inform you that the vexatious question of finance, of which communication was given in my dispatch No. 19, of the 29th April, and which threatened to lead to French occupation, has come to a settlement.

The English consul has received a telegram from Lord Stanley, dated 26th instant, informing him that, as the Marquis de Moustier had given full and satisfactory assurances, there was no longer any need for his, Mr. Wood's, opposition.

Nothing, therefore, will be done in the matter of the commission without the common consent of the governments of England, Italy, Prussia, and France. This is what was originally demanded. * * *

There remains the reparation for the breach of promise, which, it is understood, will be made by the minister, who will call on the French consul and present him the project, which was the origin of the quarrel, duly ratified and signed by the Bey, but which is to remain in abeyance and be superseded by the one hereafter to be agreed upon by the friendly governments in Paris. During the minister's visit a salute of twenty-one guns will be fired from the forts, when the flag will be displayed from the consulate.

I am, very respectfully, your most obedient servant,

G. H. HEAP.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Heap to Mr. Seward.

No. 25.]

CONSULATE OF THE UNITED STATES,
Tunis, July 17, 1868.

SIR: I have the honor to state that the project of a police regulation for the European quarter of Tunis has been discussed and agreed upon by common accord with my colleagues, and should my own and the other governments represented here give the necessary authority, its promulgation can be demanded of the local government, and we shall ourselves see to its execution.

There exists at present no police for the European quarter. On the one hand, the indifference of the government and its inability to pay its agents, who are frequently seen asking alms in the streets, and on the other, the existence of a multiplicity of consular jurisdictions, which create difficulties of every kind and render the discovery of crimes and the apprehension of delinquents extremely perplexing, sufficiently explain its absence and the disorder and uncleanness of the city, which are the natural results.

Our sole object is to bring some remedy to this state of things. Already, on the demand of the consular sanitary council, a committee of public salubrity, composed of members elected by the different nationalities and presided by a consul, has been constituted, and every one is able to appreciate the services it has rendered. But to meet the

expenses it is obliged to incur, a small tax must be imposed on the foreign residents. Although a number have given a ready assent to these measures, there are others who have offered an opposition, which cannot be overcome except by direct authority from our governments. It has been objected, with some reason, that a duty of seven per cent. is collected on wines and spirits, and that the income thus derived was originally designed for the repair and maintenance of the streets; that it now goes into the public treasury, and that before imposing a new tax the government should be held to restore this one to its legitimate object. We can of course make representations to the Bey on the subject, but it is not difficult to foresee that they will result in nothing. Moreover, the case is too urgent to admit of delay. An epidemic is prevailing in Tunis, caused principally by the poverty and uncleanness of the Arab population; and although we are unable to relieve their misery, we can at least maintain the cleanliness of the quarter in which are our dwellings and those of our fellow-countrymen.

Nor are we alone interested in this matter. Tunis is in frequent communication with Algeria, Malta, Marseilles, and the principal ports of Italy. The diseases which develop themselves here are liable to spread over the whole Mediterranean coast.

An identical letter has been addressed by my colleagues to their respective governments.

I have the honor to be, sir, very respectfully, your obedient servant,
G. H. HEAP.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Heap to Mr. Seward.

No. 26.]

CONSULATE OF THE UNITED STATES,
Tunis, November 26, 1868.

SIR: The long illness of the Bey's prime minister has occasioned a stagnation in affairs for several months past, no business except of very minor importance being transacted by the Bey when this minister is unable to attend.

The Bey himself rarely receives a consul in the absence of the khashanadar, and it is sufficient to excite the latter's serious displeasure for a native to speak to his Highness on business unless in his presence.

I had an interview with the Bey, to inform him of the result of the presidential election, which he had expressed much interest to learn. I received the news in eighteen hours from the time of the closing of the polls, and when it was confirmed by a subsequent telegram, I waited on his Highness, who accorded me an interview notwithstanding that his minister was too ill to assist at it.

The crops, which promised to be so abundant this year, have fully come up to the estimate. That of olive oil in particular is very large, and we have every reason to hope for an equally abundant one next season. The misery so prevalent lately has greatly diminished, and I think there is no fear of repetition of the widespread suffering of last winter. The late great mortality from famine and disease is now sensibly felt in the scarcity of hands for agricultural purposes. The health of the country is quite good at present.

We are visited by the German traveler, Gerhard Rohlfs, who has been

appointed Prussian consul at Jerusalem, and is now on a mission to the Sultan of Bornou, to whom he is conveying rich presents from the King of Prussia. He will penetrate the interior of Africa from Tripoli.

The financial commission so often spoken of, and the discussion in regard to which was so near producing a rupture between France and this regency, is now, it seems, on the eve of being organized with the joint concurrence of France, England, and Italy. I fear it will only result in fresh complications, which, without benefiting the foreign creditors of the Bey, will overwhelm them in still greater difficulties. On the other hand, nothing can be more wretched than the present financial system, if system it can be called, which consists in extorting the last piaster from the unfortunate creditor and leaving the government creditor to clamor for his pay. Under an honest and enlightened administration, the public debt, large as it apparently is for so small a country, (\$30,000,000,) would soon be paid off. This country abounds in natural wealth: the soil is of unsurpassed richness; there are fine fisheries on the coast, and the mountains abound in excellent timber, and, it is reported, in mines; but the government guards them with a jealousy which can only be explained from its fear of exciting the cupidity of foreigners. There is much natural facility for irrigating the rich plains which once sent their superabundant yield to Italy; and where the Romans held dominion in this part of Africa, they spread a network of aqueducts over the country the colossal remains of which explain how it came to pass that Tunis, once styled the granary of Rome, has, since the destruction of these great works, been dependent on other nations for bread.

An American with large capital is about introducing agricultural steam machinery on the banks of the Mejerda, anciently the Bagrada, where he, in association with a Frenchman, has obtained a large concession of lands from the Bey. Although it is easy to foresee that their enterprise will, for causes too numerous to mention, end in loss, it will not be altogether fruitless, as it will give these people a lesson in improved methods of cultivation. Their own is as rude as it was in the days of the patriarchs.

I am, sir, very respectfully, your obedient servant,

G. H. HEAP.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

SWITZERLAND.

Mr. Harrington to Mr. Seward.

No. 50.]

LEGATION OF THE UNITED STATES,
Berne, February 9, 1868.

SIR: The intervention of this legation has been asked in a case reported to me as follows:

One Anna Maria Suter, a native of Oberentfelden, canton of Aargau, Switzerland, emigrated to the United States and married in Philadelphia on the 2d of January, 1855, an American citizen named John Hürlimann, a tailor of that city. She bore issue one son, born on the 15th of March, 1857, who was baptized John. The mother, Anna Maria, died on the 29th of March, 1861.

Subsequently the father of the said Anna Maria died in the canton of Aargau, leaving a fortune, of which the portion falling to the said Anna Maria as one of the heirs, if living, or to her legitimate issue if deceased, amounted to 2,344.77 francs, which is now in the hands of the communal authorities of Oberentfelden.

In order to collect this money for the son and heir of Anna Maria Hürlimann, the father, John Hürlimann, was duly appointed by the proper authorities of Philadelphia the guardian of his child, and as such he executed a power of attorney, running by substitution in favor of one Strähl, an attorney of the canton of Aargau.

All the necessary certificates and papers, that is, of marriage, birth, death, and guardianship, with power of attorney, are produced, and are in nowise disputed.

The attorney, Strähl, demanded the payment of the money; the communal authorities refused such payment, on the ground that the marriage of the said Anna Maria not having been duly promulgated within the canton as prescribed by law, the marriage could not be acknowledged by them as valid, and consequently the claims of the boy John must be rejected in consequence of his disputed legitimacy.

The attorney then appealed to the cantonal authorities to recognize the marriage and to direct the payment of the money as demanded. This was refused on the ground that the laws of the canton require the prior publication of the bans of marriage within the canton and the prior assent of the authorities thereto in order to a legal marriage of any of its citizens, neither of which prerequisites had been observed by the girl Anna Maria. The prayer of the petitioner on both points was rejected, and as the co-heirs disputed the claims of the boy John, the ultimate disposition of the inheritance was referred to the courts for decision. It was at this stage of the proceedings that the appeal was made to this legation with a view of obtaining a reversal of the decision of the cantonal authorities in relation to the marriage, the attorney alleging the probable inutility of legal proceedings under the circumstances, and pleading the inability of the parties to give the necessary security. Inasmuch as the 6th article of our treaty provides that "any controversy arising between the claimants to the same succession shall be decided according to the

laws and by the judges of the country in which the property is situated," I determined to await the action of the court, and in the mean time submit the question for instructions. I transmitted to the attorney a certificate that the marriage was a legal marriage according to the laws of the United States, and that the issue thereof was a legitimate issue, and the boy John as fully a citizen of the United States as if the mother had been a native thereof; and at the same time protested against the attempt of the authorities of Aargau to invalidate the marriage of an American citizen so solemnized, and against their assumed right to declare the issue of such a marriage an illegitimate issue.

It must be affirmed that the laws of the canton of Aargau in relation to marriage explicitly declare the prior publication of the bans within the canton, and the previous assent of the authorities thereof, to be necessary to a recognized legal marriage of any of its citizens.

The questions that presented themselves to my mind are—

1. Notwithstanding the letter of the law makes use of the word "citizen" without distinction of sex, is it not the presumption of law that the word "citizen" so used means male citizens?

2. Does not the language of the fifth article of our treaty so qualify or determine the signification of the word "citizen" as to render the laws of domicile in question inapplicable to the case herein presented? that is to say, is not the boy John, notwithstanding the laches on the part of the mother, a citizen of the United States within the meaning of the treaty, entitled as such, under article fifth, to "succeed to the said property, or inherit it," and "to take possession thereof," in the absence of other legal objections, "either by himself, or by another party for him?"

The laws in relation to the marriage are, of course, enacted to give effect, within the canton, to a well-defined and recognized public policy. The great object and aim of that policy appears to be the interdiction to the spread of pauperism, which undoubtedly is the great bane of Switzerland. It bears most heavily upon property, demanding in many of the cantons a serious percentage of incomes, and the Swiss may with just pride point to their many and well-regulated public and private institutions, organized for the relief or the amelioration of the sufferings of the native poor. Their support, however, imposes such heavy and serious burdens upon property as to demand the exercise of all proper precautions to prevent their increase.

The laws, by prescribing the prior publication of the bans within the canton and the previous assent of the authorities, answers, in part, this great demand, by placing it within the power of the authorities to prevent, in some measure, the increase of a population liable, on the death or disability of those upon whom they naturally depend for support, to be thrown as paupers upon the community at large.

Each canton not only imposes upon itself a dutiful care of its resident native poor, but recognizes the right in all other cantons to remit to the canton of origin such of their residents of foreign birth as have become, or are immediately liable to become, public burdens; and this principle is recognized by the third article of our treaty, which stipulates that each country shall at all times receive such of its citizens as may be returned to it by the other, in compliance with the laws regulating morals and mendicity. Stringent laws are justifiable, if not necessary, to prevent imposition.

A citizen of the canton Aargau in taking to himself a wife of foreign origin proposes to invest her and her children with his own nationality, and with all the rights and privileges appertaining thereto, which com-

prise, among others, the not unimportant one of a future contingent support by the canton; and the authorities may therefore justly claim the right to prescribe the terms upon which such rights and privileges shall be conceded, and to declare that the laws of domicile in relation to marriage shall follow and adhere to all its citizens during any temporary sojourn abroad.

On the other hand, a female native of the canton of Aargau, intermarrying with a foreigner, divests herself of her nationality, and at the same time, at once and forever, extinguishes all her cantonal rights and privileges inherent by virtue of her nativity, and removes from her cantonal authorities all present and future cantonal liabilities on account of herself and of her children. As an Aargovienne she ceases from that moment to exist, and the laws of domicile, so far as they relate to a participation in cantonal or communal property or privileges, cease to operate a corollary that the authorities would have been prompt to recognize and assert had the boy John, instead of appearing as a claimant to property, been remitted, under article three of the treaty, as a pauper to the cantonal authorities for support.

Practically, under the laws, there is little difficulty, even for the poor, (none with the well-to-do,) in obtaining a license to marry, when both parties are natives of the same commune, inasmuch as a legitimate family imposes no greater contingent liabilities upon the state than the not unlikely equally large illegitimate family that would follow refusal. Nor is there difficulty in regard to a license for a female desiring to intermarry with a citizen of a foreign canton, as thereby her cantonal authorities would be relieved of all contingent liabilities for the support of herself, as well as of her children; and the poorer the applicant the more prompt the compliance.

Reverse the question, and the eventualities are carefully scrutinized before a license is granted, the laws of propriety or of morality having little or no weight when the great question of pauperism is involved.

The Swiss federal constitution confers upon each canton the right to expel, or to remit to the canton of origin, any foreign residents who may fall to the public charge in consequence of poverty. It may, therefore, be incumbent upon the authorities, when notified of an intended marriage of a female native of the canton with a foreigner, to insure a compliance on the part of such foreigner with the laws of his domicile. Otherwise the marriage may subsequently be declared invalid, and the wife, with her nationality thus declared unchanged, may be remitted, burdened it may be with children, to her canton of origin for support. This only known argument in support of the laws of domicile attaching to females marrying abroad falls to the ground when the foreign laws under which the marriage may have been solemnized recognizes the marriage as legal and binding, and proclaims the nationality of the wife to have been merged in that of her husband.

It appears that the purposes and intent of the public policy in relation to marriage, as well as of the laws, are fully met by the admission that the laws of domicile in relation to marriage follow and adhere to all *male* citizens, so long as their allegiance remains unbroken; and that any other construction, the more especially if such other construction is made to vary to suit selfish and varying circumstances, offends all laws of justice and morality.

It is not improbable that these remarks may be considered, if not foreign, at least as irrelevant or unnecessary to the consideration of the question upon which I ask the instructions of the Secretary.

John Hürlimann, a citizen of the United States, having married one

Anna Maria Suter, a native of the canton of Aargau, within, under, and according to the laws of the State of which he was at the time a resident and a citizen, is their child John, the issue of such marriage, a citizen of the United States within the meaning of article five of our treaty with Switzerland, and entitled thereunder, notwithstanding the alleged laches of the mother, to inherit, as her heir, the property to which otherwise he has acknowledged title? If yes, and the intervention of this legation is directed, shall such intervention precede or follow legal proceedings before the court to which the "ulterior disposition of the inheritance" has been remitted?

I have the honor to be, with great respect, your obedient servant,
GEO. HARRINGTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Harrington.

No. 30.]

DEPARTMENT OF STATE,
Washington, March 21, 1868.

SIR: Your dispatch of the 9th of February, No. 50, has been received. In that communication you set forth the following facts, namely: that Anna Maria Suter, a native of the canton of Aargau, in Switzerland, emigrated to the United States, and was married at Philadelphia on the 2d of January, 1855, to John Hürlimann, a citizen of the United States, residing in that city; that she bore a son on the 15th of March, 1857, who was baptized John, and that she died on the 29th of March, 1861; that afterwards the father of the said Anna Maria Suter died in the canton of Aargau, leaving a fortune, a portion of which would have fallen to the said Anna Maria, as one of the heirs of the father, if she were living, or to her legitimate issue if she were dead; that proceedings at law have been instituted in Switzerland by John Hürlimann, the father of the aforementioned child, John, son of the said Anna Maria, to recover the portion of the estate beforementioned; and that the legitimacy of the child is denied under law of the canton of Aargau, upon the ground that the marriage in the United States was celebrated without a compliance with the preliminaries prescribed by the laws of the canton. The attorney for the child requests your intervention, and you solicit instructions on the subject.

You give no facts from which we can determine whether the mother's domicile, immediately before her marriage, remained in Switzerland or had been established in this country; of course her marriage fixed that domicile here.

That fact, however, may not have had any retroactive bearing upon the mother's antecedent domicile. The law of Congress which declares that women of foreign birth who marry citizens of the United States thereby themselves become citizens, was not enacted until February 10, 1855, a month after the marriage.

Our law treats as valid a marriage which is valid by the law of the place where it was solemnized.

The law of Switzerland, and in general those of continental Europe, while admitting that the law of the place controls as to the form of marriage, nevertheless holds that in respect to the capacity of the person to contract marriage the law of the domicile travels with him, and invali-

dates the union wherever contracted, if it be against the law of his domicile.

It may, however, I think, be successfully maintained that, even under the European jurisdiction in relation to the capacity of the person to contract marriage, the *bona fide* establishment of a new domicile with the intention of a permanent residence therein, relieves the emigrant from the bonds of his native law.

Under any circumstances, this, in the first instance, would be a question for the Swiss courts; but under the special provision of our treaty with Switzerland, it is a question for those courts finally. The 6th article, 11th United States Statutes at Large, declares that any controversy that may arise among the claimants of the same succession as to whom the property shall belong shall be decided according to the laws, and by the judges of the country in which the property is situated. I think it to be a just construction of this section that it takes the question altogether out of the domain of diplomacy.

It is proper, however, to express the opinion here, that whether the child now in question shall be held by the courts of Switzerland to be legitimate or illegitimate, he is nevertheless a citizen of the United States.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GEORGE HARRINGTON, Esq., &c., &c., &c.

Mr. Harrington to Mr. Seward.

No. 61.]

LEGATION OF THE UNITED STATES,

Berne, July 22, 1868.

SIR: Under date of 9th February last (my No. 50) I had the honor to submit in detail for your consideration the case of John Hürlimann, of Philadelphia, a minor claimant to certain moneys then in the hands of the authorities of Oberentfelden, canton of Aargau, as the property of his mother, deceased, the delivery of which had been refused on the ground that prior to her marriage the mother had not fulfilled the prerequisites of her cantonal laws, and therefore the marriage could not be recognized as legal, and as a consequence the claims of the boy, John, were barred by reason of his illegitimacy. The intervention of this legation was asked and the case was submitted for instructions.

Your No. 30, bearing date the 21st March, in reply, confirmed my decision as taken with the attorney for the claimant, viz: that under the 6th article of the treaty the question must be decided by the courts to which it had been referred. At the same time it appeared to me, that the general tenor of your dispatch left it discretionary with me to present the subject to the government if such course should be deemed by me advisable, and hence in my No. 58 I remarked that it was not impossible that the subject might give rise to further correspondence.

Subsequently the attorney again addressed me and implored the action of this legation as the last and only hope for success. Upon reflection and after examining the question with some care, I determined to address the federal council, if not with the confident expectation of success in this particular case, at least with the hope of presenting it in such a manner as would enable me to touch with some effect indirectly upon the question of emigration.

I have now the honor to inclose a copy of my communication to the High Federal Council, as also of their decision, which, it gives me a pleasure to say, sustains the grounds assumed by me, that this case is covered by the treaty, and that as an American citizen, in the absence of other legal objections, the boy, John, being the legitimate child and heir of Anna Maria Hürlimann, *née* Suter, is entitled to recover the money at issue.

This decision settles certain principles that will hereafter have an important favorable bearing upon many of the numerous questions constantly arising between natives of the canton of Aargau—who become naturalized citizens of the United States—and the communal or cantonal authorities thereof, and, so far as I can learn, reverses the practice obtaining, until the present, in like cases.

I hope my action may be approved.

With greatest respect, your obedient servant,

GEO. HARRINGTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Harrington to the High Federal Council.

LEGATION OF THE UNITED STATES,
Berne, June 6, 1868.

The undersigned, minister resident of the United States, begs to submit for the consideration of the high federal council a question now pending in the canton of Aargau, which has arisen under the following circumstances :

One Anna Maria Suter, a native of Oberentfelden, canton of Aargau, emigrated to the United States and married in Philadelphia, on the 2d of January, 1855, an American citizen named John Hürlimann. She bore issue one son, born on the 15th of March, 1857, who was baptized John. The mother, Anna Maria, died on the 29th of March, 1861.

Subsequently the parents of the said Anna Maria died in the canton of Aargau, leaving a fortune, of which the portion falling to the said Anna Maria as one of the heirs, if living, or to her heirs, if deceased, amounted to 2,344 77 francs, which is now in the hands of the communal authorities of Oberentfelden.

In order to collect this money for the son and heir of Anna Maria Hürlimann, the father, John Hürlimann, was duly appointed by the proper authorities of Philadelphia the guardian of his child, and as such he executed a power of attorney running by the substitution in favor of one Strähl, an attorney of the canton of Aargau.

All the necessary certificates and papers, that is, of marriage, birth, death, and guardianship, with power of attorney, are produced, and are in no way disputed.

The attorney Strähl demanded the payment of the money. The communal authorities refused such payment on the ground that the marriage of the said Anna Maria not having been duly promulgated within the canton as prescribed by law, could not be acknowledged by them as valid, and consequently the claims of the boy John must be rejected in consequence of his disputed legitimacy.

The attorney then appealed to the cantonal authorities to recognize the marriage and to direct the payment of the money as demanded. This was refused on the ground that the laws of the canton require the prior publication of the bans of marriage within the canton, and the prior assent of the authorities thereto, in order to a legal marriage of any of its citizens, neither of which prerequisites had been observed by the girl Anna Maria.

While thus declaring their adherence to the view taken by the communal authorities, the question of the legal status of the boy John was referred by them to the courts for final decision.

The judgment of the court, so long as the cantonal authorities maintain their decision of not recognizing the legality of the marriage of the girl Anna Maria, cannot be doubtful. It will necessarily be adverse to the claimant. The illiberality, not to say injustice, of the Aargovian law which denies righteous claims to its citizens settled for many years in America, and married there according to the laws of the United States, has been pointed out by the supreme court of that canton. (Reports 1851, p. 10.) The undersigned begs leave to submit briefly some of the considerations that induce him to hope that the authorities of the canton of Aargau may reconsider their decision

through the intervention of the high federal council, which he has now the honor to request.

It is just and proper that the authorities of the canton of Aargau should prescribe the conditions upon which the citizens thereof shall be permitted to introduce foreigners into the canton, and invest them with the full rights and privileges of native citizens. Thus an Aargovien marrying out of the canton, proposes to invest his wife and her children, if any there shall be, with all the cantonal and communal rights and privileges which he himself enjoys, and if, by any unforeseen circumstances, they unfortunately are reduced to a state of poverty, such wife and children, if the forms of law in regard to marriage have been fully complied with, would have, of right, certain claims upon the canton. Without, therefore, some checks being thrown around the introduction of new citizens into the canton, it is by no means impossible that the pauper burdens might be onerously, if not alarmingly, increased. These considerations, it is believed, enter into, and in part prompt the policy of those laws.

When, however, an Aargovienne marries a citizen of the United States, according to the laws governing the domicile of her husband, the considerations above recited are inapplicable and fall to the ground.

By the act of marriage she becomes clothed with the nationality of her husband and at once assumes her place as a citizen of the United States; while, at the same time, she forfeits and annuls all the cantonal and communal rights and privileges otherwise of right attaching to her by virtue of her nativity. This view has not only been recognized, but more than once put into practice in the cantons of Switzerland, and, doubtless, will not be disputed; and further, if an Aargovien woman duly married to an American citizen, but without having fulfilled the prerequisites of her cantonal laws, should with her children be remitted to the care of her native canton under the third article of the treaty, upon the ground that the laws and authorities of her canton did not recognize the marriage as legal, it cannot be doubted that the decision of the cantonal authorities would be that the woman and her children were American citizens, and consequently had no claims upon the canton for support; and such decision, *per se*, in the opinion of the undersigned, would be clearly just and defensible.

The question therefore presents itself, is it not the presumption of law that the word citizen as used in the law means *male* citizen? Does not that construction meet fully the policy and intent of the law? Will not any other construction militate against justice and morality?

The authorities of the canton of Aargau encourage in every possible manner the emigration of its citizens, even to the point of supplying the funds, when necessary, to such as may be induced or have the desire to leave the canton, but not the means of so doing. Once landed in the United States, it is the wish of those cantonal authorities that the emigrants should remain there, and forever relieve them, the authorities, from all contingent liability for their future support; for it is not to be supposed that money is furnished for a pleasure trip to the United States, be it of longer or shorter duration, or that it is given for any other purpose than that herein stated.

Such relief can only be obtained by their emigrants becoming citizens of the United States. They are therefore encouraged to become such citizens with the sole view of relieving the canton from all further claims therefrom.

The cantonal authorities, of course, cannot, nor is it their wish to, prescribe the terms upon or the forms under which their emigrants shall become citizens of the country wherein, at the wish of these cantonal or communal authorities, they have taken up their abode. Once made citizens of that country the authorities have a legal bar to any subsequent reclamations they may prefer against the canton; for no foreigner can obtain that privilege without having previously and in the most solemn manner forsworn and renounced, under oath, all foreign allegiance, and especially his citizenship of and allegiance to the country and place (by name) of his nativity; and therefore the simple presentation by an emigrant of an American passport, or of his certificate of naturalization as a citizen of the United States, is, in fact, though not in form, a renewal of renunciation of his original citizenship and allegiance, and may so be considered by the Swiss authorities.

If, therefore, the authorities hold the issue of any marriage of an Aargovienne, duly celebrated according to the laws of the United States, with an American citizen, notwithstanding the prior formalities prescribed by the cantonal laws had not been complied with, to be legal so far as to deprive her and her issue of all further claims upon her canton in consequence of their having become American citizens, is it just, when they present themselves as rightful claimants to property, that interested parties should be sustained in their attempts to appropriate to themselves that to which otherwise they have no shadow of title or right, upon the ground that certain cantonal prerequisites have not been fulfilled? May not the court well proclaim the illiberality of a law that is willing, at the instance of interested parties, to declare that a woman, duly and legally married according to the laws of the country of which she is a citizen, has been living a life of immorality and in opposition to the laws of God and man, and attach to her children the stigma of illegitimacy?

As before stated, and as is well known, the authorities encourage the emigration of its citizens with a view of their becoming citizens of the United States. Is not such encouragement an assent to their becoming such citizens under the provisions of the laws of the United States? Are they not expressly told as another inducement to emigration, that they may, by labor and good conduct, become well-to-do citizens of that country, and may not such encouragement be taken as an assent in advance to their naturalization by whatever forms to be obtained, one of which, for females, is by marriage with an American citizen? The undersigned is well aware that these general views address themselves to the cantonal rather than to the federal authorities.

The undersigned however believes, and would submit to the consideration of the high federal council, that the claims of the boy, John, are covered by the provisions of the treaty between the two countries.

Article five of that treaty declares that "the citizens of each one of the contracting parties shall have the power to dispose of their personal property within the jurisdiction of the other by sale, testament, donation, or in any other manner, and their heirs, whether by testament or by *ab intestato*, or their successors, being citizens of the other party, shall succeed to the said property or inherit it, and may take possession thereof either by themselves or by others acting for them," &c.; and article six declares "any controversy that may arise among the claimants to the same succession as to whom the property shall belong, shall be decided according to the laws and by the judges of the country in which the property is situated."

Section five is express in the declaration that citizens of each of the contracting parties shall have certain powers, and that their "heirs, whether by testament or *ab intestato* or their successors, being citizens of the other party, shall succeed to said property or inherit it," &c.

There can be no question as to the girl, Anna Maria, having, by the act of the marriage, become an American citizen; nor is there a question as to the claimant being an American citizen; nor is it disputed that the property in question is the rightful property of Anna Maria Hürlimann, *née* Suter, if living, or of her heirs if deceased. The question referred to the courts for decision, therefore, is as to the *status* of an American citizen, which the undersigned contends is a subject for the American and not for the Aargovien courts; and further, that while the order of succession may be fixed by the will of the testator and be governed by the laws of the country of the testator, the question of heirship can only be decided by the laws of the country to which the heir belongs, and therefore, under the treaty, the *status* of the boy John should be decided by the American and not by the Aargovien law.

No American court would deprive an Aargovienne wife and her children of the property of the husband and father, because of an Aargovien decision or law pronouncing the marriage illegal, or the children illegitimate, for want of Aargovien prerequisites of marriage.

But looking to the Aargovien civil law, the undersigned claims that thereunder the boy John is entitled to the property in question. It is not in this instance the rights of a husband to the property of his wife that is called in question, but the rights of his child. If the undersigned is rightly informed, the Aargovien law distinctly declares that the children of illegal marriage shall have all the rights of children of recognized marriages. If, therefore, a marriage duly celebrated in the United States be declared by the Aargovien law as illegal, and as a consequence the children illegitimate, the civil law itself, if the above postulate be correct, while it would deprive the husband of the deceased wife's property, gives to the children of such a marriage the same rights as to the children of a legitimate marriage. But the undersigned cannot admit the competency of the Aargovien courts to decide upon the *status* of an American citizen, and he contends that all that should be required by the Aargovien authorities to acknowledge the claims of the child, John Hürlimann, is the proofs of the legal marriage according to the American law, and this proof is full and complete, as well as the evidence that the boy John is an American citizen.

The undersigned ventures to express the confident hope, that after examination, the high federal council will concur with him that the *status* of the boy John is covered by the treaty and the legal documents transmitted herewith; and that as an American citizen, (as well as in pursuance of the civil law,) he is justly entitled under the treaty to succeed to the property in question, and to take possession thereof by the attorney duly appointed for that purpose.

In submitting this question the undersigned begs your excellency and the high federal council to receive the assurances of his highest consideration.

GEO. HARRINGTON.

His Excellency Dr. I. DUBS,
President of the Swiss Confederation, Berne.

Mr. Harrington to the High Federal Council.

BERNE, July 21, 1868.

The undersigned, minister resident of the United States, has the honor to acknowledge the receipt of your excellency's communication of the 14th instant, in which is announced the decision of the high federal council in the matter of John Hürlimann, which the undersigned had the honor to submit for their consideration under date of June 6, 1868.

The undersigned begs your excellency to convey to the high federal council his acknowledgment for their prompt and favorable action, and he begs to renew the assurances of his highest consideration.

His Excellency Dr. I. DUBS, *President, &c., &c.*

GEO. HARRINGTON.

The Federal Council to Mr. Harrington.

[Translation.]

BERNE, July 14, 1868.

On returning to the United States minister resident in the Swiss Confederation the package of documents accompanying his note of the 9th of June last, in relation to the claim of John Hürlimann, the federal council announces that it has considered the report of the authorities of the canton of Aargau, dated 29th ultimo, on this affair, and now informs said authorities that it concurs in their decision, that John Hürlimann, senior, was a citizen of the United States; that his marriage with Anna Maria Suter was in accordance with the laws of the United States, and that the male issue of that marriage is considered as the legitimate descendant of an American citizen; therefore no Swiss authority can decide the civil status of an American citizen, because the laws of the United States, and not those of the canton of Aargau, are to obtain in this matter.

The federal council also observes, that, by virtue of an international treaty still in force between Switzerland and the United States of America, an American citizen has the right, in case of successions, to be treated as a Swiss; and, therefore, John Hürlimann, junior, must be treated in the same manner as if he were the issue of a lawful marriage of Aargovien citizens.

From the above, the federal council judges the refusal of the communal council of Entfelden to be contrary to the treaty, and that it ought to be reversed, inasmuch as no civil suit for the succession is intended to be prosecuted.

The federal council has instructed the authorities of Aargau to make this known to the heirs, for their guidance, and to report the result of its intervention in the affair.

Reserving the privilege of further communications on the subject, the council repeats to Mr. George Harrington the assurance of its high consideration.

DUBS,

President of the Confederation for the Federal Council.

SCHIEFS,

Chancellor of the Confederation.

HON. GEORGE HARRINGTON, *&c., &c., &c., Berne.*

Mr. Harrington to Mr. Seward.

No. 62.]

LEGATION OF THE UNITED STATES,

Berne, July 31, 1868.

*SIR: On Friday, the 8th of May, I was informed of the arrest and imprisonment of one Charles Berry, a native of Basle, but asserted to be a naturalized citizen of the United States, under circumstances which, if true as asserted, appeared to demand my prompt intervention. It was the attorney of Mrs. Berry, then at Stuttgart, that made application to me at the suggestion of United States consul Klauprecht, whose card he presented as an introduction.

Although he had with him no direct evidence of Mr. Berry's naturalization as a citizen of the United States, such papers, he said, being in

the possession of Mr. Berry when arrested, he submitted to me two commissions as second and first lieutenant in the New York volunteers, running in the name of Mr. Berry, with other papers in support of his assertions sufficient to justify preliminary action.

I directed him, therefore, to proceed at once to Basle, and confer with Mr. Consul Wolff, to whom I gave instructions to investigate the case, and ascertain if Mr. Berry was a naturalized citizen of the United States, and to report to me at the earliest moment practicable.

The report of Mr. Wolff reached me on Monday morning, the 11th, accompanied by an intimation that it was the probable intention of the Basle authorities to consign Mr. Berry to prison at hard labor.

I immediately addressed the high federal council, submitted to them the alleged facts, and requested it upon investigation they were substantiated, the prompt release of Mr. Berry, with an intimation that some indemnity would be demanded.

The high federal council evidently at once took action in the premises. Mr. Berry was released on Wednesday, the 13th, at 3 p. m., and the report of the Basle authorities in relation thereto was transmitted by the federal council to this legation under date of the 15th.

The Basle authorities, it will be seen, ignored the features of the case as submitted by me, and their report appeared to be in other respects of so unsatisfactory and deceptive a character as to induce me to institute an investigation, the result of which I embodied in my rejoinder of this day's date.

These three communications, that is to say, my first dispatch to the federal council of the 11th May, their reply of the 15th, and my rejoinder of this date, embrace all the correspondence between this legation and the federal council in relation to this case, and with the report of Mr. Consul Wolff, and certain other papers, copies of all which are transmitted, will place you in possession of the full merits of the case.

I have learned unofficially from Mr. Wolff, and from other sources, that the parties to this arrest are in a state of alarm lest their proceedings should result in a claim for damages, of all other the most dreaded by the Swiss, and that the authorities of Basle, under the influence of doubt as to the effect of their acts and with a view of appeasing Mr. Berry, have promptly recognized him as an American citizen, have removed his trustee, and directed his fortune to be restored to him. In fact I have delayed my reply beyond the period required for my investigations, in order not to interrupt the favorable progress of the measures instituted by Mr. Berry for the recovery of his rights.

When Mr. Berry was induced to emigrate to the United States to enlist in its army, however repugnant the idea may be, there is little doubt that it was the hope and expectation of his trustee that he would there find a grave, and thus his fortune actually in hand, as well as the larger amount that will eventually come to him from his mother's estate, would thereby be saved to the other members of his family.

Mr. Berry disappointed his trustee. He not only lived, but lived down the slanders against him; he, however, seems to have committed in the mind of his trustee and family, an unpardonable offense by marrying, after placing himself under the protection of the United States, thus opening a door for the escape of his fortune even after his death.

It was unquestionably the purpose of his trustee to have had Mr. Berry consigned to a prison at hard labor, in the hope that the act would not have reached the ear of any effective friend; that his wife should be repudiated, and to attach to him permanently the disabilities of the criminal.

It will be observed that the high federal council formerly announced that the naturalization of a Swiss in any other country does not *co ipso* change his Swiss character. I have briefly alluded to this, disclaiming however, as will be seen, any intention at this time to discuss the question.

It is proper to observe that naturalization as a federal question is subordinate to cantonal legislation.

It is now, however, beginning to occupy public attention, and will doubtless be brought before the National Assembly at its session of December. In the mean time it is my purpose to make it the subject of a special dispatch as soon as I can obtain the necessary detailed information as to the respective cantonal laws bearing upon the subject.

With greatest respect, your obedient servant,

GEO. HARRINGTON.

HON. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Harrington to the High Federal Council.

BERNE, May 11, 1868.

The undersigned, minister resident of the United States near the Swiss Confederation, begs leave to state to your excellency that it has been represented to him that one Charles Berry, born on the 23d of September, 1825, in Liestal, canton of Basle, some ten years since emigrated to America, served in the armies of the United States, and became a naturalized citizen of those States on the 27th December, 1865. Of all this the proofs are satisfactory.

In the year 1867 the said Berry returned to Europe with his wife, whom he married in the United States, and has since resided in Stuttgart, in Wurtemberg. In the month of April last past, he requested his trustee, Dr. Staehlin, of Basle, in charge of his property, to remit to him at Stuttgart his income to which he was entitled. In reply he was invited to come himself to Basle; Dr. Staehlin stating that he had some important business to talk over with him.

On the 24th of April he came to Basle, in accordance with said invitation, and repaired to the house of his trustee, whom he found absent. On the 25th he again called upon Dr. Staehlin, but instead of receiving his income was arrested and thrown into prison, where he is now, without, so far as the undersigned has been able to ascertain, having committed any breach of the peace, or any offense against the laws of the city of Basle, or of Switzerland.

Herewith will be found his certificate of birth, his certificate of naturalization, and his certificate of marriage.

The undersigned most respectfully prays the high federal council to cause the facts to be investigated at the earliest practicable moment, so that, if found to be herein correctly stated, Mr. Berry may be promptly released from confinement and a proper reparation made therefor by the authors thereof.

The undersigned seizes this occasion to renew to your excellency and the high federal council the assurances of his high consideration.

GEO. HARRINGTON.

His Excellency Dr. J. DUBS,

President of the Swiss Confederation.

The High Federal Council to Mr. Harrington.

[Translation.]

BERNE, May 15, 1868.

SIR: On returning to the minister resident of the United of America the papers that came with his note of the 11th instant, relating to Charles Berry, of Basle, not of Liestal, the federal council sends to Mr. Harrington the report made on the subject by the government of the city of Basle, contained in a letter of the 13th of this month, as follows:

“Charles Berry is a man who has already given his parents much trouble: in 1859

they caused him to be interdicted by the orphans' court, the proper tribunal, and a trustee appointed for him.

"On the proposal of this trustee, and Berry's parents, to put him in prison at hard labor, in conformity with the city laws of Basle, the city council ordered an inquiry of the case to be made on the 22d of April last, charged the chief of police to examine Berry and to make a report on the case.

"As Berry had a bad reputation, and was accused of bigamy, the chief of police did not hesitate to arrest him on his arrival at Basle. The report having been made to the council, it was decided not to commit Berry to the workhouse, whatever foundation the charges against him might have. After this, Berry was immediately set at liberty. At the time this was done, the authorities did not know that Berry was an American citizen. Be as it may, he is still a citizen of Basle, and cannot renounce it, because he is under guardianship. His tutor and parents sued him as a citizen of Basle, and not as an American citizen; and if he wishes to renounce his Basle citizenship, as it seems he does, he must do it legally, as was done last autumn, in a similar case."

To this report of the council of Basle, the federal council adds, that to prevent further disturbance Charles Berry must formally renounce his citizenship of the canton, by the laws of Basle, because the naturalization of a Swiss in another country cannot, *ipso facto*, annul his Swiss citizenship. But if Berry wishes to preserve his right as a citizen of Basle, he must submit to be treated like any other inhabitant of Basle.

The federal council embraces the occasion, &c., &c., &c.

DUBS, *President of the Confederation.*
SCHIEFS, *Chancellor.*

MR. GEO. HARRINGTON, *ſc.*, *ſc.*, *ſc.*

Mr. Harrington to the High Federal Council.

LEGATION OF THE UNITED STATES,
Berne, July 27, 1868.

The undersigned, minister resident of the United States, has the honor to acknowledge the receipt of your excellency's communication of the 15th of May, transmitting the report of the authorities of Basleville, relative to the recent arrest and imprisonment of Mr. Charles Berry, a naturalized citizen of the United States, to which the undersigned had the honor to invite the attention of the high federal council by his note of the 11th of May.

The undersigned regrets that he has been compelled thus to delay the acknowledgment of your excellency's communication, and the expression of his gratification at the prompt release of Mr. Berry, by the otherwise unsatisfactory character of the report of the authorities of Basle, which compelled him to seek elsewhere for an explanation of the imprisonment of Mr. Berry, and for the causes of his arrest. He could not credit the assertion that this American citizen had been arrested with the avowed intention of incarcerating him, for an indefinite period, in a states prison at hard labor (*maison de travail forcé*) upon the mere request of a single individual of Basle. He was unwilling to believe that an act of so grave a character would have been committed without some alleged criminal offense on the part of Mr. Berry, or the commission of some misdemeanor that rendered him amenable to justice.

To that report, therefore, the undersigned feels compelled respectfully to ask the further attention of the high federal council, and he begs leave, at the same time, to submit for their information what he feels assured is now unknown to them, the facts and circumstances preceding and attending this arrest, which, in view of the ulterior questions not unlikely to arise in connection therewith, he considers should be at this time fully and clearly set forth.

It should be first stated that at the date when the measures hereinafter recited were conceived by the trustee of Mr. Berry, and matured between him and the authorities of Basle, Mr. Berry had been absent from Basle and from Switzerland for nearly seven years.

It becomes an important preliminary, therefore, to examine as to the exact status of Mr. Berry prior to his departure from Switzerland.

The first paragraph of the report declares, that at some period of his life (not stated) Mr. Berry "caused a *chagrin indicible* to his family, and that in 1859, at their request, he was deprived of his civil rights, and his affairs placed in the hands of a trustee."

What the act was that chagrined his family is not stated, nor is that omission important. It is sufficient that it was neither a crime nor punishable offense, and that it had, and could have had no connection with his recent arrest. It does not even follow, though stated in connection therewith, that it was of a character to cause or to justify the withdrawal of his civil rights, which the undersigned learns elsewhere was

a necessary preliminary to the placing of his affairs in the hands of a trustee—a measure prompted by a fear, engendered by alleged extravagant habits, of a careless dissipation of his fortune, which it was the purpose of his family to prevent.

The *chagrin* *indicible* appears from the report to have been the only charge preferred against Mr. Berry prior to the year 1861, and, so far as the undersigned can ascertain from other sources, Mr. Berry, previous to that date, was obnoxious to no other or graver charge than habits of extravagance, which, it is assumed, is not an indictable offense.

In 1861, upon the solicitation of his trustee, and of his family, and with the money provided by them for that purpose, Mr. Berry emigrated to the United States. In thus emigrating with the full knowledge of his friends and at the request of his trustee and family, it may be claimed that he was no fugitive from justice; were it otherwise, had he been convicted or even accused of crime, or had he, as insinuated, borne such a character as to have been considered a dangerous member of society, and for that reason had been induced to emigrate to the United States, the parties thereto would have been guilty of an act of which that government would have just cause of complaint.

As, therefore, at the date of his solicited expatriation, Mr. Berry rested under no imputation of any act for which, under the laws of Basle, he could be arrested upon his return to that city, should he determine so to return, the undersigned begs leave to present a brief review of his honorable career subsequent to his departure from Switzerland, which, happily, is afforded by the official documents in his possession.

Mr. Berry arrived in New York early in September, 1861, and, in further accordance with the expressed wishes of his family and of his trustee, he immediately enlisted as a private in the armies of the United States, and was at an early date thereafter raised to the grade of sergeant. Continuing to serve with intelligence and fidelity, he was further promoted to the rank of commissioned officer, and received the appointment of 2d lieutenant, and subsequently that of 1st lieutenant. After the close of the war, that is, in June, 1865, Mr. Berry was mustered out of the service, having earned an honorable reputation, and as a gallant soldier and officer received in common with his comrades in arms the thanks of the Congress of the United States.

Having thus volunteered in defense of a government most seriously threatened, and given his best services for the suppression of an unholy rebellion, Mr. Berry determined to become a citizen of that country to which he had been encouraged to emigrate, and whose institutions he had for nearly four years, at the constant risk of his life, successfully endeavored to maintain, and in pursuance of that determination caused himself, in 1865, to be naturalized as a citizen of the United States, an act only to have been obtained at that time upon positive and satisfactory proof of honorable service in and discharge from the armies of that country.

Having returned to private life, and at the age of forty years become invested with the rights and privileges of an American citizen, Mr. Berry married and came with his wife to Europe, and adopted as his temporary place of residence the city of Stuttgart, in the kingdom of Wurtemberg, where at the date of his arrest he was quietly residing and maintaining himself in a respectable manner as a professor of languages.

It seems reasonable to suppose that this honorable record of Mr. Berry, which the undersigned has reason to believe was perfectly well known to his trustee and to his family, would have been sufficient to have insured for him a kindly reception, should he, in obedience to the natural dictates of his feelings, revisit his former home. Of that visit, of the manner in which it was brought about, and of its results, the undersigned is now enabled to inform your excellency.

Mr. Berry, as before stated, was not and had not been for several years a resident of Basle, and it was known to his trustee that, having become an American citizen, it was not his intention again to take up his residence therein. He was, however, temporarily residing in a near city, and it was possible, as it was necessary for the accomplishment of his purposes, for his trustee to devise some plan whereby Mr. Berry should be induced to leave his family and his professional pursuits, and voluntarily place himself within the jurisdiction of the police of Basle, of whose support and co-operation his trustee appeared to have no doubt.

The plan devised and successfully carried into execution was as follows:

Dr. Staehelin, who during the entire period of Mr. Berry's absence from Switzerland had regularly remitted to him his income, determined to withhold arbitrarily a portion thereof, becoming due on the 30th March last, and consequently remitted to him but one hundred and fifty of the three hundred francs due on that day. Mr. Berry promptly acknowledged the receipt of one hundred and fifty francs, and at the same time demanded of his trustee the reason why the full amount due to him had not been remitted. The receipt and demand bore date the 2d of April, and was doubtless received by the trustee not later than the 4th of that month. On the 20th, evidently after his measures had been fully arranged with the authorities, they as declared in their report having given orders for the imprisonment of Berry on the 22d of April, Dr. Staehelin

addressed a letter to Mr. Berry, of which the following is a copy in translation, (a copy in original being annexed:)

"BASLE, April 20, 1868.

"With yours of the 2d instant, I received the receipt for the one hundred and fifty francs sent to you March 30. You wonder why I did not send three hundred francs, and you wish to know the reasons; I find your wish gratified, but as it would be too long to give you the reasons in writing, I invite you to come here in the course of this week, say Friday or Saturday, so that I may give you the explanations verbally, and in case your money should not suffice for the fare, &c., I send you herewith fifty francs.

"Beside this your future affairs require a minute discussion. Your late sojourn here was too short to have explained all the points of the question.

"As I am very busy and sometimes not at my office, I beg you to give me notice of the day and hour of your arrival here.

"Respectfully

"DR. STAEHELIN."

Mr. Berry replied to this letter on the 23d, and on Friday the 24th, the day indicated he repaired unsuspectingly to Basle and called upon his trustee. Dr. Staehelin, though advised of "the day and hour" of his coming, was not then to be found. Mr. Berry left his name, and stated that he would call again at a given hour the next day.

On Saturday the 25th he repeated his visit, when, instead of receiving the hundred and fifty francs, so unjustly withheld, and the reasons therefor, Mr. Berry was suddenly arrested and thrown into prison.

This simple narrative of the facts and circumstances attending this arrest is submitted to your excellency under the full conviction that its mere perusal will be sufficient to convince the high federal council that a most flagrant and serious outrage has been committed upon an American citizen without the shadow of legal justification, and that the means resorted to to bring it about were of so dishonorable and reprehensible a character as to admit of no palliation.

The authorities of Basle declare that "when the measures in regard to Mr. Berry were adopted, they were not aware that he had become an American citizen." It is not improbable that the trustee of Mr. Berry may have withheld that information from the authorities; but it will not be claimed that they retained Mr. Berry in prison for the period of eighteen days in ignorance of so important a fact. In addition to the papers in his possession at the moment of his arrest, proving his nationality, Mr. Berry at once declared himself to be an American citizen, and forthwith addressed a communication to his immediate representative, the consul of the United States resident in Basle, in which he again asserted his nationality, and requested his counsel and advice.

This letter the director of the police presumed to retain, and but for a subsequent written demand therefor by Mr. Consul Wolff, he would evidently have entirely suppressed. By this further impropriety on the part of the police director, Mr. Consul Wolff was kept in ignorance of the arrest of his fellow-countryman, and Mr. Berry was deprived of all counsel and assistance until the undersigned, through the agency of Mrs. Berry's friends in Stuttgart, was informed of the arrest, and thereby enabled to bring the case to the kind attention of the high federal council.

The authorities of Basle in their report preferred no charge against Mr. Berry, and declared the sole cause of his arrest and imprisonment to have been "the request of his trustee and family." The undersigned, as before stated, hesitated to believe that so arbitrary and serious an act would have been committed without an alleged infraction of some law. He therefore instituted further inquiries with a view of solving his doubts in this respect, and learned that charges had been preferred against Mr. Berry, of which the following is a copy in translation:

1. For squandering his money.
2. For entering into an unlawful marriage.
3. With aversion to labor.
4. With unfitness for business.

And it was undoubtedly to these avowedly unsupported and in the opinion of the undersigned, with one exception, frivolous charges that the authorities of Basle referred in justification of their acts, when they declared that Mr. Berry, "being, among other things, accused of bigamy, and having generally borne a very bad character, the director of police hesitated the less to place him upon his return to Basle in a state of preventive arrest."

The undersigned prays your excellency to observe that, whatever the charges may have been upon which the authorities of Basle assumed to arrest and imprison this American citizen, it is not claimed that the acts upon which they were based were committed upon the territory or within the jurisdiction of Basle. They must have been committed, if committed at all, as an American citizen upon the territory and within the jurisdiction of the United States. Whether therefore the above recited charges, if true, involve a violation of any statute law of Basle, it is not the purpose of the undersigned to discuss. He will, however, remark that the history of Mr. Berry for the last

seven years—a history perfectly familiar to his trustee, the author of these charges—gives a most complete refutation to the first, third, and fourth charges. In relation to the second, which in the report is made to assume the grave form of bigamy, Mr. Berry is the bearer of a certificate proving that he had been duly and lawfully married within and according to the laws of the United States; and as no one charges him with having twice married, the charge of criminality, in whatever form presented, finds itself devoided of all legal support; and the existence and character of this certificate was also known to the trustee of Mr. Berry when he prepared and submitted the second charge to the authorities of Basle.

The authorities of Basle concluded their report by declaring that “the acts (proceedings) of the police director, having been presented to the government of Basle, they were convinced that there was no reason, at least for the present, to place Mr. Berry in a prison at hard labor, (*maison de travail forcé*), however well founded may be the complaints against him; and they therefore decided that Mr. Berry should be forthwith liberated,” adding that “when the government of Basleville ordered the measures above indicated in regard to Mr. Berry, they were ignorant that he had become an American citizen, and that however that may be, he has not lost his citizenship of Basle and cannot renounce it while he is under trusteeship. It is against him as a Balois and not as an American that his trustee and family have complained, and if he would renounce his right of citizenship of Basle, as it appears he would do, he must do it in a legal manner.”

* * * * *

The allegation of those authorities that Mr. Berry cannot while under trusteeship renounce his right of citizenship, is apparently based upon the assumption that Mr. Berry cannot legally make any contract or perform any act affecting his personal rights and liberty without the assent and concurrence of his trustee, so long as such trusteeship exists.

When his trustee urged upon Mr. Berry to emigrate to the United States for the purpose of enlisting in their armies, he thereby relinquished, so far as they might otherwise have affected his transactions subsequent to his departure from Switzerland, all his rights of control over Mr. Berry, and when he authorized him to enter into contract with the government of the United States for an indefinite period, free from all restrictions and disabilities of trusteeship, he thereby acknowledged his competency to act for himself, and was thereafter estopped from all interference with his acts resulting from such emigration and enlistment. The record of Mr. Berry during his absence is full proof of his ability to take care of himself, and seems to have called in question the propriety of the original act by which he was deprived of his civil rights, inasmuch as the same authorities who at the “request of his family” placed over him a trustee, have, at his own request, removed that trustee and restored to him his fortune.

The undersigned assumes that it is known to your excellency and the high federal council, and doubtless to the authorities of Basle, that the government of the United States maintains as inherent in man the right to denationalize himself and to select at will the government under which he may desire thereafter to live. In furtherance of this principle their laws prescribe the forms and conditions under and by which foreign-born immigrants may become citizens, and invested with all the political rights and privileges, including therein the right of protection, that appertain to the native born, criminals and paupers as such being excepted; and the undersigned has for some time rested under the happy belief that this great principle was not only openly enunciated but practically enforced by the authorities of Basle, as shown in the recent case of Mr. Ostermann, whose extradition was successfully demanded of the authorities of France. If the undersigned has been rightly informed, the pleadings of the authorities of Basle in this case cover the precise grounds assumed by the United States in regard to their adopted citizens. Mr. Ostermann was a native of France, and had for a somewhat lengthened period inhabited Basle, during which time he caused himself to be naturalized as a citizen of Basleville, renouncing at the same time, as prescribed by their laws, his French allegiance; subsequently Mr. Ostermann failed in business and returned to his native country. His failure having been pronounced fraudulent, the authorities of Basle demanded his extradition under the provisions of treaty stipulations, upon the grounds of his being a citizen of Basle by virtue of his naturalization. This was successfully resisted in the lower court of France before which the case was brought, upon the plea that notwithstanding his naturalization in Basle, inasmuch as he had taken no steps in France to release himself from his French allegiance, his status as a French citizen had not been changed, and therefore as a Frenchman he was not subject to extradition as demanded by the Basle authorities. The higher court to which the case was appealed reversed the decision of the lower court, sustained the demand of the authorities of Basle, and remanded the accused to custody as subject to extradition.

Whatever may have been the final action of the French authorities, it would not have affected the sound principle set up by the Basle authorities, viz: That naturalization as a citizen of Basle, irrespective of any proceedings taken or not taken in his country of

nativity, was sufficient to justify extradition in case of crime and flight, and as a necessary corollary protection from injustice and oppression from whatever quarter inflicted.

Such are the views, in brief, entertained by the government of the United States, and demanded by the people thereof to be firmly and undeviatingly maintained, a principle the justice of which is denied by few, while by most of the monarchical powers of Europe it has been or is about to be formally conceded.

It is therefore with infinite regret that the undersigned is obliged to conclude, from the report of the authorities of Basle, as well as from the declarations of the high federal council in their communication of the 15th May, that another antagonistic principle is enunciated from Switzerland, and those regrets he feels assured will be shared not only by his government but by the whole people of the United States, mingled with grave surprise that this truly republican principle finds no support in their sister and only republic of the Old World.

It is, however, not the intention of the undersigned at this time to discuss the question of naturalization, nor has it been his purpose in this communication to call in question the laws of Basle or to criticise their application to the citizens of that canton.

The case which demanded the intervention of this legation and has given rise to this correspondence involved the liberty of an American citizen, and the authorities of Basle attempt to justify their action in the premises. Their report was so faulty in its omissions of all reference to the main facts and circumstances of the case as to lead to an entire misapprehension of the questions involved. The undersigned deemed it his duty therefore to investigate the alleged causes of the arrest, and he believed it equally imperative upon him to lay before the high federal council the results of that investigation, which may be summed up as follows: An American citizen, guiltless of all criminal offenses, resident at the time and for several years previous beyond the limits of Switzerland, had been, by false pretences, inveigled into Basle for the purpose of being arrested with the avowed intention of incarcerating him for an indefinite period in a state prison at hard labor, (*maison de travail forcé*), without the pretense of his having violated any public law, without summons, without trial, and refused the advice and assistance not only of his immediate representative, but of all other counsel, upon the mere request of a citizen of Basle, and for purposes entirely unavowed but evidently and necessarily personal and private.

While the undersigned does not call in question the asserted right on the part of the authorities of Basle thus to apply their laws to their own citizens, he feels it incumbent upon him most respectfully but earnestly to protest against any such application to an American citizen, and also against the further assumption of those authorities as indicated in the case under consideration, of their right to arrest and punish for acts committed, if committed at all, within the jurisdiction and upon the territory of the United States.

In submitting the narrative of the arrest of Mr. Berry for the information of the high federal council, in order to a just appreciation of the measures instituted against him by the authorities of Basle, the undersigned felt it to be his duty to express his dissent from those measures as well as from the principles upon which they were based. He feels assured that the high federal council will neither support acts so unjust in themselves, nor countenance unprovoked measures enforced in a manner calculated to wound the just sensibilities of the government and people of the United States.

The undersigned begs your excellency and the high federal council to accept the assurances of his most distinguished consideration.

GEO. HARRINGTON.

His Excellency Dr. I. DUBS,
President of the Swiss Confederation.

Mr. Harrington to Mr. Wolff.

UNITED STATES CONSUL, BASLE,
Berne, May 8, 1868.

SIR: The bearer of this comes to me in relation to a person who claims to be an American citizen now under arrest at Basle. He submits to me certain papers, viz., commissions as having served in the army, but has here no passport or other papers showing him to be an American citizen. These I am told the party in Basle has with him. I will thank you to see the person alleged to be under arrest, ascertain if he is an American, and if so, upon what charges he has been put in confinement. If your efforts fail to get him released, that is, if it is a case for interference, I will thank you to report all the facts to me, that I may take such steps as the case may seem to demand. The name of the man is Charles Berry. Ascertain his age and mental condition. I presume there will be no objection to the bearer going with you.

Very respectfully, &c.,

GEO. HARRINGTON.

Mr. Consul Wolff to Mr. Harrington.

UNITED STATES CONSULATE.

Basle, May 10, 1868.

SIR: Your favor of the 8th was delivered to me yesterday by Dr. Hamlin, a lawyer of Stuttgart, in reference to the imprisonment of Charles Berry. It is the first information I have received that he is in prison.

After a consultation with Dr. Hamlin, who returned last night to Stuttgart, I told him that I was ready to assist Berry in any way I could, and he left at my office all the papers in connection with this case.

I went immediately to work and obtained the following information, viz:

Charles Berry, born on the 23d of September, 1825, in Liestal, canton of Basle, and emigrated to the United States about ten years ago; and before he left this country a guardian was appointed over him, to take care of his property, on account of his extravagance and squandering away his money.

Charles Berry had served in the United States army, was made a second lieutenant in the forty-fifth New York volunteers, on the 22d of February, 1863, (herewith his commission marked B,) and first lieutenant on May 29, 1863, (herewith his commission marked C.)

On the 23d day of October, 1865, he was married with Bertha Ulmer, by Henry Toelke, a Protestant clergyman; the certificate of marriage is legalized by the Swiss consul in New York, also herewith inclosed and marked D.

Charles Berry was made a citizen of the United States in New York on the 27th of December, 1865; certificate of naturalization inclosed and marked E.

He came from New York in the end of last year, went to Stuttgart, Wurtemberg, and was residing there with his wife; made his living as a teacher, and gave French lessons, &c.; besides, he received annually the interests from his capital under the care of his guardian, Dr. Staehlin, of Basle City.

In the month of April he requested his guardian to send him the interest due to him, and in reply he was invited to come to Basle himself, as he had some important business to talk over with him. (The letter of this invitation I expect in a few days, and will be forwarded to you in due time.)

On the 24th of April, 1868, Charles Berry arrived at Basle, and found Dr. Staehlin not at home. (See letter to his wife, herewith inclosed, and marked F.)

On the 25th of April he went again to Dr. Staehlin with the intention to receive the interest of his capital, &c., but was arrested and placed in prison. (See letter to his wife, herewith inclosed, and marked G.)

He was requested to come to Basle to receive his interest, and instead of that he was placed in prison at the request of his guardian and relatives, who have also petitioned the cantonal authorities of Basle City to put him in a work and correction house, and at present is awaiting his examination.

The reason for this is given in *squandering away his money, being lazy and idle, besides entered into an unlawful matrimony.*

I have not the slightest doubt that the authorities will send him to the house of correction, except the high federal council interferes in his favor *immediately.*

Charles Berry has a property valued at about thirty-five thousand francs; his relatives have a great interest in this; if children should be issued out of this marriage, of course the relatives would receive nothing. The relatives and guardian do not recognize his marriage, and they try to have him separated from his wife.

The question in law will be this: Have the cantonal authorities the right to keep up the Swiss guardianship after a person has become an American citizen? That right as an American citizen ought to release him from his guardianship, and from any other obligation towards his mother country.

This is a question of great importance, and, if it will be settled in favor of the United States, hundreds, now citizens of the United States, will be entitled to receive their property detained from them and now managed by a guardian.

Last night I saw the chief magistrate and told him that a complaint has been made against the authorities for imprisoning Charles Berry, an American citizen. He said, will you protest against it? I answered him that the case was in the hands of our minister and I could not interfere, but I had good reason to believe that the high federal council would communicate to them and have the question arranged and settled.

Very respectfully, your obedient servant,

A. L. WOLFF,
United States Consul.

Hon. G. HARRINGTON,
United States Minister, Berne.

Mr. Wolff, United States consul at Basle, to Mr. Harrington.

BASLE, May 16, 1868.

SIR: In addition to my letter of the 10th, I inclose herewith a translation of my letter to the burgomaster, marked A A.

On the 12th of May I went in the prison to see Berry, and was received by the police director.

In speaking of the imprisonment of Berry, I told the director of the police that Berry must be a curious kind of a fellow to be for fifteen days in prison without giving me any notice; to which the director replied as follows: "After he was about three hours in prison he presented to me a letter for you, (Wolff,) but I thought best to keep that letter.

From the director's room I went in the prison, and had a long conversation with Berry.

As soon as I reached my office I made a complaint against the director of the police in a letter to the burgomaster, of which I herewith give you a translation, marked B B.

The burgomaster answered that he had remonstrated against the action of the director of the police.

On the 13th of May, in the afternoon, at 3 o'clock, Berry was released, and is now a free man; *he was eighteen days in prison—had committed no crime.*

On the 14th I have taken depositions, and on the evening Charles Berry left for Stuttgart.

The guardian and relatives will not make any opposition in paying over his property; how the guardian court will act has to be seen. The demand to give up his property will be made immediately.

Charles Berry demands for his imprisonment *reparation*; that I leave entirely in your hands.

In my report of May 10th I said that the letter of Dr. Staehlin, in which Berry was invited, could be forwarded to you in a few days. I inclose you herewith the original letter, and marked E E.

If you have an answer from the federal council, I would thank you to send me a copy.

Very respectfully,

A. L. WOLFF,
United States Consul.

HON. GEORGE HARRINGTON,
United States Minister, Berne.

A A.

[Translation.]

Mr. Wolff to Charles F. Burkhardt, burgomaster of Basle City.

UNITED STATES CONSULATE,
Basle, May 11, 1868.

SIR: Pursuant to the conversation relative to the imprisonment of Charles Berry, I have herewith the honor to present you, viz:

1. Certificate of naturalization of Charles Berry as an American citizen.
2. Renunciation of his citizenship as a Swiss.

In case you should desire other papers, I can send for them to the American legation at Berne.

As Berry has committed no crime, I hope you will be induced to release him from prison.

With great respect,

A. L. WOLFF.

B B.

[Translation.]

Mr. Wolff to Charles F. Burkhardt, burgomaster of Basle City.

UNITED STATES CONSULATE,
Basle, May 12, 1868.

SIR: In regard to the imprisonment of Charles Berry, I made the remark in my yes-

terday's visit that I could not understand why Berry did not give me any information of his imprisonment.

To-day I paid him a visit, and before I saw him I was informed by the director of the police, Mr. Wirz, that Berry delivered to him, on the first day of his imprisonment, a letter for me, but he declined to allow the letter to be delivered to me.

I thought that even a criminal had the right to a legal adviser, and as Berry, to the best of my knowledge, has committed no crime, I find this action very remarkable, and doubt very much that this measure was recommended by the high authorities.

Berry was fifteen days in prison before I had any information of it, and this was given by a lawyer coming from Stuttgart.

As I was frank with you, without reserve, and informed you of every thing, I deem it also my duty to bring this fact to your knowledge.

With great respect,

A. L. WOLFF,
United States Consul.

Mr. Harrington to Mr. Klauprecht, United States consul at Stuttgart.

BERNE, May 20 1868.

SIR: On Friday, the 8th instant, a gentleman presented himself at this legation bearing your card and stating that he came at your suggestion. He informed me that Mr. Berry, a native Swiss, but a naturalized citizen of the United States, who, with his wife, had been residing at Stuttgart for some time, was invited to Basle to receive in person certain moneys due him; that he went there and was immediately arrested and thrown into prison, and his wife desired the intervention of this legation in order to his release.

He submitted to me certain papers, among which were two commissions, one as second and one as first lieutenant in the New York volunteers, but there was no evidence that Berry had been naturalized as an American citizen. Those papers, he stated, were taken by Berry to Basle, which subsequently proved correct.

I directed this gentleman to go at once to Basle and gave him a note to our consul, Mr. Wolff, whom I requested to investigate the matter at once.

Upon Mr. Wolff's report, received the following Monday, the 11th, I addressed the high federal council, and by their communication, received this morning, I am informed that Mr. Berry was released on Wednesday, the 13th, and I learn that on the following day Mr. Berry returned to Stuttgart.

I inclose herewith a translation of the report of the authorities of Basle upon this subject, and request you to see Mr. Berry, show him this report, and ascertain—

1. If he is the bearer of an American passport, and if not, why not?
2. If Mr. Berry served in our armies in any capacity before being commissioned as a lieutenant in the New York volunteers?
3. How long he served altogether, in what regiments, under what commanders, and where?
4. Whether he was discharged honorably, and when, and if he has his discharge with him? If yes, send me an official copy under your seal.
5. Ascertain the date when he emigrated to the United States, if he went there clandestinely, and whether there were any charges pending against him at that time.
6. What was the sorrow that he caused his family and prompted the authorities to appoint a guardian or trustee for him, and caused him to be deprived of his civil rights?
7. Is he rightfully charged with bigamy? Has he been previously married, and if yes, is his first wife living? When, where, and to whom was he previously married?
8. During his absence from Switzerland was his income regularly remitted or paid to him in any manner whatever? If not, why not?
9. When, and where, and in what manner was he last paid such income, prior to his recent visit to Basle? When he last went to Basle, what was the nature of his interview?

Also endeavor to obtain so much of his history as will enlighten me as to the grounds of his being charged with bearing a bad character, with any other information that you may be able to command that may be of interest.

Very respectfully,

GEO. HARRINGTON.

Mr. Harrington to Mr. Wolff, United States consul, Basle.

BERNE, May 20, 1868.

SIR: I send you a copy of the reply of the federal council to my application for the release of Berry. You will see that the authorities of Basle speak of a "chagrin" that

he once caused his family, declare that he is charged with bigamy, and that generally he bore a very bad character. These charges are general, not specific, except as to bigamy. Will you make such inquiries as will enable you to state *when*, and in what manner, he was charged with bigamy, and what act he committed that caused him to be placed under guardianship and deprived of his civil rights.

* Will you obtain the letter that Berry wrote to you after being imprisoned. If given to you, mark upon it the hour you received it. But I prefer that you write to the police director for it, so as to get a written answer.

Very respectfully,

GEO. HARRINGTON.

Mr. Consul Klauprecht to Mr. Harrington.

STUTTGART, May 26, 1868.

SIR: I have the honor to acknowledge the receipt of your dispatch of May 20th. In conformity with your request I have seen Mr. Berry, professor of languages, (Olga street, No 51.) for the purpose of obtaining all facts connected with the questions you have been pleased to address me, and which I shall now answer in the order of their succession.

1. Berry is not in possession of an American passport; Mr. De Luze, Swiss consul at New York, having assured him that his certificate of naturalization, visaed by the Swiss consulate, would fully answer the purposes of a passport, he did not apply to Washington. This certificate of American citizenship was issued on the 27th of December, 1865, by the district court of the city and county of New York, signed by Nath. Jarvis, jr., clerk. The number of the consul's visa is 5569.

2. Berry enlisted in New York, and was appointed sergeant of the 45th regiment New York volunteers, (Colonel Ombberg,) on September 25th, 1861.

3. On June 30th, 1865, he was mustered out of service, having served as 2d and 1st lieutenant in the campaigns in Virginia and Tennessee, under Generals Howard, Sigel, and others.

4. Berry claims to have been honorably discharged, and said discharge paper to be in the hands of Chipman, Hosmer & Co., claim agents in Washington, in support of a claim for additional sergeant's pay.

5. He emigrated to the United States in August, 1861, and landed at New York on September 4th following. He did not leave his native home clandestinely, but with the consent of his family. No charges had been pending against him at that time.

6. Berry confesses to have formerly belonged to the genus called "fast young men," and, as a thoughtless spendthrift, to have committed many a foolish but no bad act. But he pretends to be fully reformed, and furthermore, that nothing but avarice from the side of his sisters and brothers-in-law, the desire to get possession of his paternal estate, were cause of that plot depriving him of his civil independence and appointing a guardian for him, "More sinned against than sinning."

7. He was never before charged with bigamy, and not previously married. The charge of bigamy was first brought forth against his wife by Mr. Staehlin, his trustee, in support of his endeavor to nullify his marriage. Mrs. Berry is a native of the county of Ludwigsburg; her family name is Ulmer. She was previously married in New York to one P. Brown, living at present at Norfolk, Va.

8. During his absence from Switzerland his income was regularly remitted and paid him in monthly rates by Henry Burgy, esq., Swiss banker in New York.

9. Said income was last paid at Stuttgart for the first quarter of this year. When last at Basle he received 250 francs by Mr. Staehlin. He went to Basle, Berry says, on the written request of his trustee. On his arrival he was imprisoned on the following charges: 1st, for aversion to labor; 2d, for unfitness for business; 3d, for want of military employment.

I learn that his conduct while here was blameless, and that his monthly income by his lessons amounted to eighty florins.

Being remote from the sphere of his former life, I can of course give only such details as I learn from Berry himself, and from his lawyer, Mr. Hamlin. A more reliable and extended statement concerning the antecedents of the party in question our consul at Basle might submit to you. The report of the authorities of Basle, which I showed him in pursuance of your request, Berry pronounces false in some particulars, as before said.

I have, sir, the honor to be, very respectfully, your obedient servant,
E. KLAUPRECHT,
United States Consul.

Mr. Wolff to Mr. Harrington.

BASLE, May 29, 1868.

DEAR SIR: On May 22d, I asked the burgomaster for Berry's letter, kept by the police director and not delivered to me.

On the 23d, I received an answer that the letter in question was in the hands of the police director, and I was referred to him.

On May the 25th, I requested the police director for that letter.

To-day, at 4 o'clock, the letter of Berry was delivered to me; I inclose you herewith the original. By this letter you will see that he claims to be an American citizen, and refers to his naturalization papers.

Very respectfully, &c.,

A. L. WOLFF.

Mr. Berry to Mr. Wolff, United States consul, Basle.

BASLE, April 25, 1868.

HONORED SIR: I have to apply to you. My trustee, Dr. Staehlin, has had me arrested and put into prison to-day, intending to keep me here until the city council shall make a further decision.

Being a naturalized citizen of the United States, as you know already by papers exhibited to you, I should like very much to see you to discuss the matter over with you, and hope that you comply with my wishes.

Very respectfully, &c.,

CH. BERRY.

N. B.—Received from the police director on the 29th of May, 1868.

A. WOLFF, *Consul.*

Mr. Harrington to Mr. Seaward.

No. 64.]

LEGATION OF THE UNITED STATES,

Berne, August 5, 1868.

SIR: On the 16th September last there was received at this légation a note signed by Mr. W. F. Nisbet, and certified to by several other parties, setting forth the particulars of an alleged difficulty that occurred on the route, "*Tête Noire*," from Martigny to Chamounix, on the morning of Tuesday, the 10th September, between the parties signing and certain guides therein named.

The circumstances seemed to be so clearly and logically stated as to impress me with their truthfulness, and the propriety of representing the case to the federal government. I therefore went informally to two members of the federal council and submitted the letter to them. They at once suggested to me to lay the matter officially before the council, that an investigation might be ordered.

At the same time I was aware that the guides were cantonal and not federal officers; that in the canton of the Valais they were an important class, whose friendship it behooved a large class of people, hotel-keepers, muleteers, &c., to cultivate, and that of all the cantons of Switzerland the authorities of the "Valais" gave most trouble to the federal government by their almost constant attitude of insubordination.

It was, therefore, more to bring to the attention of the government the conduct of the guides, with a view of preventing in the future similar outrages, than in the expectation of any extreme or really deserved punishment, that I submitted the case to the high federal council. Shortly after the receipt of his letter I had an interview with Mr. Nisbet. He

was aware that his attempting to strike the guides greatly weakened his case, though he seemed to think the circumstances justified him in so doing.

Though the report of the prefect of Martigny is dated in December, its transmission to the federal council was delayed, and only reached this legation on the 19th of April.

The character of the authorities is shown by the investigation, which, when received, was subjected to criticism by me. This latter I delivered personally to the President, to whom I expressed my regrets in having to submit to my government a process evidently so *ex parte* and unjust. After reading a German translation, he requested me to await a line from him and the result of further inquiries to be instituted. That those outrages were of too frequent occurrence, and occasioned them (the federal council) much annoyance; and which, while they had every disposition to correct, it was not always in their power so to do.

Under date the 13th May, the President formally acknowledged the receipt of my communication of the 2d of that month, informing me that they had again called upon the authorities of the Valais in relation thereto.

The final reply, with the report of the council of state of the canton, bears date the 25th July, the receipt of which I acknowledged the 3d instant. Copies of all the papers will be found herewith.

Though otherwise unsatisfactory, I have reason to know that regulations have been established that will tend to prevent in future the repetition of like occurrences.

I have the honor to be, with greatest respect, your obedient servant,
GEO. HARRINGTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Harrington to the High Federal Council.

LEGATION OF THE UNITED STATES,
Berne, September 23, 1868.

The undersigned, minister resident of the United States of America near the Swiss Confederation, has the honor to submit, for the consideration of the high federal council, a copy of a statement made to him by Mr. William F. Nisbet in behalf of himself and other American citizens, setting forth a series of gross outrages committed upon them on the 10th of the current month by certain guides named Jean Rouiller and Etienne Pierre, while passing from Martigny to Chamouny by the Tête Noire. It is with much regret that he feels himself thus called upon to approach the high federal council; but a sense of duty to those of his countrymen visiting Switzerland, who place themselves with entire confidence under the direction of persons duly appointed to guide and protect them as strangers in going from one point to another by difficult and otherwise dangerous passes, compels him to expose and present to your excellencies, and through you to the proper cantonal authorities, such acts of these agents as prove them to be not only unfaithful to their trust, but an unfaithfulness accompanied by violence to such a degree as to endanger the lives or limbs of travelers thus committed to their care.

Respectfully referring your excellencies to the inclosed copy of the communication of Mr. Nisbet for the details *in extenso*, the undersigned will only refer to some of the prominent incidents therein related, premising that Mr. Brooks, the principal sufferer, as well as Mr. Nisbet, are gentlemen of respectability and truthfulness, whose statements are entitled to full consideration.

It will be perceived that the party en route from Martigny to Chamouny consisted of Mr. Horace Brooks, an old gentleman, enfeebled by palsy, his wife and daughter, Mr. Nisbet, and an English gentleman named Fowler, for whose service five animals and two guides had been ordered. As they were about leaving Martigny, it was observed that there were *three* guides in attendance. Upon inquiry, it was found that two guides proposed to accompany the family of Mr. Brooks, who, however, declared that he had ordered and required but one, and directed the other to return. The guide

refused, producing a paper or written order for three horses and *two* guides for the Brooks family, but by whom written none of the party appear to have known. Mr. Nisbet, the rest of the party meanwhile proceeding, took the paper and returned to the landlord of the Hotel Clerc, of whom the animals and guides had been ordered, who immediately changed the order from two guides to one, and with the paper so corrected Mr. Nisbet returned to join the party, encountering on the way the refractory guide in animated conversation with another, apparently his superior, who demanded the paper, which was given up by Mr. Nisbet. Shortly after Mr. Nisbet had rejoined the party, the guide Rouiller came up, and declared that all three of the animals ridden by Mr. Brooks's family should return to Martigny, unless the second guide was taken to Chamouny. Upon their replying that the party of three required but one guide, and the party of five but two, the guide angrily seized the bridle of the horse ridden by Mrs. Brooks, and attempted to turn him back towards Martigny. Mr. Nisbet defended Mrs. Brooks and came near having a personal encounter with the guide. Failing with the horse of Mrs. Brooks, the guide then seized the bridle of the horse of Mr. Brooks, and in his violent efforts to turn him back caused him to fall into a deep and dangerous hole, carrying Mr. Brooks with him. In consequence of the insufficient width of the hole not permitting the horse to fall to the bottom, he became suspended by his sides, the leg of Mr. Brooks being imprisoned and wedged between the side of the horse and the earth and stones against which he was lodged. Picks and shovels became necessary to rescue him, and ropes were required to be passed under the horse in order to remove him from the dangerous position into which he had been forced. The undersigned is happy to observe that apparently no serious or lasting injury resulted to Mr. Brooks, although the horse was so much injured as to prevent his continuing the journey. Notwithstanding these occurrences, the guide Rouiller still insisted upon the return of all of the three horses to Martigny, or the continuance of the second guide to Chamouny, coupling his demands with insults, in which the guide Etienne assisted. Rain commenced to fall, and midday had arrived, and there being no cessation of the outrageous conduct of these official guides, on the suggestion of an English pedestrian of the Alpine club, who had subsequently joined them, the party concluded to pay the full price of the guide to Chamouny in order to end the contest and be enabled to proceed. Upon receiving full pay, the end and object of all these outrages, the guide Jean returned to Martigny, taking with him the injured horse. In consequence of these rude assaults upon Mr. Brooks, his remaining strength became completely exhausted before the day was over, and he was obliged to remain the night in a wayside inn, the others arriving at Chamouny about 10 o'clock.

In thus submitting this statement to your excellencies, the undersigned begs permission to remark that this narrative presents no ordinary occurrences. He has had complaints made to him from time to time of alleged improper conduct on the part of guides and others, but, being well aware that the differences may have arisen from misunderstanding, caused by difference of language and habits, and from no intentional wrong, he has not felt himself justified in appealing to the high federal council. In the present instance the outrages appear to have been deliberately and persistently perpetrated, with a reckless and criminal disregard of life and limb, and all simply with a view to extort money which they had no right to demand.

It is well understood by travelers that these guides are officers or employés of the canton of Valais. Rules and regulations are prescribed by the cantonal authorities for the guidance and protection as well of the public, who are invited to employ them, as of the guides so employed. When respectable and peaceful travelers trust to the efficacy of such regulations, and to the good faith and honor of persons duly appointed to act as conductors, they have a right to protection. If, instead of protection, they are abused and maltreated, and their lives placed in jeopardy, it then becomes their duty promptly to report the offenders to their superiors; that the guilty may not only receive the punishment which is justly their due, but, by being dismissed from a service for which they have proved themselves unworthy, insure from others obedience to the regulations and proper treatment to the travelers thereafter placing themselves under their guidance.

It appears that the occurrences herein narrated were of a character to shock the sensibilities of several of the residents of the neighborhood, and to excite the indignation of the landlord of the Hotel Clerc," as is shown by his letter, (copy herewith,) urging that energetic steps should be taken to bring the offenders to justice. In assuming control of the travel over these passes by appointing or licensing guides, by prescribing rules and regulations for the information and guidance of travelers, and by forbidding the employment of all persons not so licensed, the cantonal authorities assume and guarantee the protection of the traveler from extortion and intentional harm. It is confidently assumed that unfaithful or incompetent men would not be intentionally employed; it is assumed with equal confidence that unfaithful or improper persons will not be continued in employment after their unfitness has been fully made known to those who, and who alone, have jurisdiction in the premises.

The undersigned respectfully submits the case for such action as the high federal

council may think proper, and with a confident belief that the authorities of the canton of the Valais, on being informed of the facts, will promptly take measures to relieve that canton from the stigma which must necessarily attach to and distinguish it, if the authors of such acts as are herein narrated are allowed to go unwhipped of justice.

The undersigned seizes this occasion to renew to your excellency and the high federal council the assurances of his highest consideration.

GEO. HARRINGTON.

His Excellency C. FORNERAD,
President of the Swiss Confederation.

Mr. Wm. F. Nisbet and others to Mr. Harrington.

GENEVA, September 14 1868.

DEAR SIR: The recent outrageous treatment of myself and some of my countrymen by certain guides of Martigny, in the canton of Valais, is the cause of my addressing to you these lines. I am impelled by several reasons, viz., in the hope that the guilty may be punished for the outrages I shall detail as having witnessed, that guides or other servants, finding that punishment may follow their evil doings, (if travelers choose to exert themselves to that end,) may be restrained by a wholesome fear; that the cantonal authorities, becoming aware that bad men are employed, will see to it that their districts shall not suffer in reputation by reason of their continuance, or by the future appointment of other than good and honest men. Particularly would I do this in the interest of future travelers, especially those from my own country. From a long experience in travel I am led to believe that they oftener submit and bow down to the outrages and indignities of guides and other servitors than travelers of any other nation. This may be the result partly from a mistaken spirit of generosity and good nature; partly from their failure or inability to comprehend the line between the traveler's rights and the servitor's legitimate latitude; partly from their having little or no acquaintance with the language, laws, customs, and topography of the country in which they may be traveling; partly from the fear of troubles, delay, and expense which an appeal to the authorities may cause them. Yet all this bears the proof of a profound indifference for the comfort and welfare of those travelers of their own or other lands who shall come after them. Every traveler owes his nite to the great society of travelers. In writing you these lines and asking your efforts in this case I am but acting upon my conviction of what every traveler owes to the concourse of travelers who annually pilgrimage to this charming land. Asking your kind forbearance for these first lines, I will now detail to you the facts in the case.

On Tuesday morning, September 10, a party of Americans, Mr. and Mrs. H. Brooks and daughter, a young English gentleman, Mr. Fowler, and myself, were at the Hotel Clere at Martigny, all bound for Chamouny *via* the Tête Noire. One of the ladies being unwell, they at first concluded to remain until her recovery. I therefore joined with Mr. Fowler and engaged two animals and one guide, which were soon before the door of the hotel. The others now concluded to go, and gave the landlord of the Clere a verbal order for three horses or animals, and a guide, which were brought in about half an hour. We then started in company. Before getting out of the town I noticed that three men accompanied the party, and on inquiry, discovered that *two* guides were going with the three animals last ordered by Mr. Brooks's family. Calling their attention to this, they said that they wanted but *one* guide, and Mr. B. so told them, and ordered one to return. He refused, and took from his pocket a paper, on which was written two guides and three horses. I suppose this is a sort of voucher by which he could claim payment on our arrival at Chamouny. Whether it was given him by the hotel proprietor or by the chief guide I do not know, but I presume the latter. As he refused to return as long as this paper called for two guides, I told him I would return and have it altered. This I did, the party proceeding. At my arrival at the hotel the landlord immediately altered the number to *one* guide. I then mounted, and at some little distance from the hotel overtook the refractory guide talking with a man (who I have since supposed the chief guide) who, from his gestures and speech, I supposed to be giving him orders. He (the guide) asked to see the paper, and refused to return it to me. I left it with him and passed on, overtaking the party about two miles up the road. In a few minutes this guide came up with us and demanded that all the animals ridden by Mr. B.'s family should go back to Martigny, or that he should be taken along to Chamouny. We told him that we did not know him at all; had ordered three horses and one guide, and that the party of three wanted but *one* guide, and the party of five wanted but two. This man now flew into a passion, seized the bridle of the horse which Mr. B. rode and attempted to turn the animal back. I struck at him twice from my horse with a bundle of canes, but did not hit him, as he sank down behind the horse.

He then seized a stone but did not fire, but seizing the bridle of the horse which Mr. B. rode, attempted to turn him, and in so doing backed the animal into a deep and dangerous hole, carrying Mr. B. down with him. The hole was so narrow that the horse was completely wedged in, his back level with the ground on either side, his hoofs not touching the bottom, but his weight suspended by his sides. Mr. B. was yet upon his back, his right leg tightly wedged in between the horse and the stones. It was some five minutes before he was taken off, and only after the stones had been dug away. Pickaxes and shovels had to be used, and it was twenty minutes before the horse was taken out by means of ropes passed under him. Mr. B. is an old gentleman, and it was an accident that his leg was not broken. It now rained hard. Yet after all this, the fact also that it was 12 o'clock and a long journey before us, this guide, Jean Rouiller, yet insisted on taking the three animals back. The other guide who had come with the three horses, Pierre Etienne, seemed to second Jean in his efforts, and shook his fist furiously at me because I refused to give back to Jean the papers which he had before seized from me. It was evident that Jean would insist on going along to Chamouny or on taking the three horses back. Just then came along an English pedestrian of the Alpine Club, who advised us to get rid of this Jean by paying him twelve francs, the full price of a guide from Martigny to Chamouny. He refused to let the horse go, and perhaps he was right, after the tumble he had had in the ditch. I gave up my horse to Mr. B. and jointly walked and rode with my English friend. During this scene some twenty natives gathered about, and it was evident that they looked upon the affair as a great outrage. Both of the guides are bad men; they show it upon every feature. My own guide was quiet and a good fellow, but from fear kept silent. Fear and interest I believe compel the better guides and the landlords of the hotels to acquiesce in the continuance of bad men as guides. Think of your guide mounting your horse while you are walking! This both of the guides did at a later hour of the day.

It seems neither age, nor sex, nor any consideration whatever can deter these villains from outrages. Here was an old gentleman, feeble in body, attacked with palsy two weeks before, showing when he mounted the animal at the hotel that he was weak. Here were two ladies, his only attendants; and yet these guides took no account of his condition. I am strongly inclined to the belief that they were emboldened by orders from their chief; and in confirmation of this belief, as well as for the purpose of further testimony, I inclose a letter received here by Mr. Brooks two days since, on his arrival, from the proprietor of the Hotel Clerc, at Chamouny. This letter has been written of his own free will, as neither myself nor any of the party have seen or had any communication with him, or any one at Martigny, since our departure from there. It is quite evident that the natives who witnessed the scene have made it the talk of the town. At first I felt inclined to hold the hotel keeper responsible, as it was through him and from him that we all received horses and guides, and it was he who, later, altered the voucher from *two to one* guide. But I can conceive his difficult position as one among several hotel keepers, with their rivalries and jealousies, wishing to be upon the right side of the guides, who can be of service by their patronage. The whole system of guides from Martigny to Chamouny seems to be entirely in the interest of the guides. A traveler is actually forced by them to a stoppage of one and a half hour at the half-way house on the Tête Noire. This we had to submit to, notwithstanding all our previous delay and the lateness of the hour. It was 10 o'clock at night when we arrived at Chamouny. Mr. B. became so weary that he was obliged to stop and remain at an inn on the wayside. At Chamouny, I am told, the guides receive three francs per person for every one they take to any hotel. This is paid by the proprietor, and is probably one cause of the toleration of such villains. Then they walk their animals the whole distance at a pace far slower than an ordinary pedestrian walks, and become ugly and sulky if one urges his horse faster, or insists upon their so doing. Furthermore, no French guide from Chamouny is allowed to pilot travelers over the mountain on their (the guide's) return, so that a traveler pays both ways, or, in other words, pays for two days for his guides and horses when he uses them but one, and this over a route where the back travel is equal to the forward travel. Yet as a traveler I do not, nor do I believe others, object to paying any reasonable tariff prices; but only to a forced imposition such as I have related. At Chamouny, before settling with the guides, I stated the facts to the proprietor of the Hotel Royal de l'Union, who advised me to appeal to the United States consul at Genève. Yesterday, in company with Mr. Brooks, I called upon him, and it is at his suggestion that I address myself to you as the highest and proper authority. If my deposition is needed I shall be glad to make it, but, as I shall most probably be in Berne in the course of a week or so, I will do myself the honor to call upon you, and if needful will then give you any further information in my power. In the mean time I place the matter in your hands, trusting that every effort will be made to bring this outrage to such an issue as shall be a warning to all the guides of Martigny, and a prevention of like outrages in the future.

I remain, very respectfully, your obedient servant,

W. F. NISBET, &c., &c.

We, the undersigned, parties mentioned within, have heard this letter, and hereby confirm with our signatures all the facts and statements therein contained, and urgently trust success will attend any efforts to punish the offenders.

HORACE BROOKS, of New York.
MRS. E. BROOKS.
MINA BROOKS.
HENRY FOWLER.

HON. GEO. HARRINGTON,
Minister of the United States of America.

Mr. Clerc, proprietor of the hotel, to Mr. Brooks.

HOTEL CLERC, AT MARTIGNY, September 10, 1867.

SIR: I regret to hear that you had trouble with the guides this morning, after your departure from Martigny, and that they behaved very rudely to you. These are incidents that ought not to be passed over in silence; and to prevent their repetition I advise you, for the good of travelers, to make a *serious complaint* to your minister, and request him to present the case to the Swiss federal council, our supreme authority. A remonstrance of your minister will give much more importance to your complaint. Moreover, if you will make a complaint to me in writing, I will send it to the Valais authorities and have the guilty guide severely reprimanded.

I insist on your doing this, for, if what I hear is true, their conduct is scandalous. The chief guides ought to be responsible for the extortion on travelers by their subordinates. It was the chief who gave the order to the guide Jean Rouiller, on the way, to take back the mules or make you pay for them. He has superseded his authority in every way, and I advise you to be particularly hard on him in your complaint.

I will do all I can to assist you on this occasion, but the complaint must come from the traveler.

Accept, sir, my respectful consideration.

*I. CLERC.

The High Federal Council to Mr. Harrington.

BERNE, April 15, 1868.

The federal council is finally able to reply to the note which the minister resident of the United States of America near the Swiss Confederation has addressed it, dated September 23, 1867, in which he communicates the complaint of Mr. William F. Nisbet and other American citizens on the subject of the bad treatment which they had experienced from the guides Jean Rouiller, and Etienne Pierroz, on the route from Martigny to Chamouny, passing by the Tête Noire.

With an apology for the delay in communicating the result of the investigation commenced upon this complaint, the government of the canton of Valais transmits, under date of the 11th instant, to the federal council the report of the prefect of Martigny, a copy of which is subjoined, and the order of march.

It appears from these two documents that the commissary of guides had been applied to by a group of travelers for two guides and three horses, as is seen by the order of march, on which the figure *two* has been erased. By virtue of the sixteenth article of the rules, which says, "the traveler who engages a guide and then dismisses him is bound to pay him half the fee," the guide Rouiller had a right to demand the twelve francs for himself and his horse. But Mr. Nisbet wished to dismiss the guide and keep the horse. Rouiller proposed to refer the dispute to the commissary of guides, which Mr. Nisbet refused to do. The latter then spoke to the hotel-keeper, who took the responsibility of erasing the figure *two* from the order of march. With the order thus modified, Mr. Nisbet persisted in wishing to send away the guide and keep his horse, while Rouiller on his side refused to let his horse go without himself; on which Mr. Nisbet struck him twice with his cane. The dispute becoming more exciting, the traveler, in order to get rid of Rouiller, left him his horse and paid him twelve francs. As may be seen, there were wrongs on both sides in this dispute.

Meanwhile, as Rouiller was the first to do wrong, he will be punished by the privation of one of his regular trips at the commencement of next season, according to article twenty-six of the rules.

As to the fall of Mr. Brooks with his horse, the witness heard state that Rouiller did not touch Mr. Brooks's horse, and that he himself, by a false movement, brought about the fall.

The commissary of guides acted somewhat inconsiderately in advising the guide

Rouiller to take back his horse, but he did not infringe the rules, considering that this does not impose upon the guides, when they are once under way, any obligation to abandon their horses to the hands of strangers.

The federal council does not doubt that Mr. Harrington will also be convinced by the process impartially drawn up by the prefect of Martigny, that the whole dispute should be principally attributed to the improper conduct of Mr. Nisbet, and that in the main the guide Rouiller was in the right. Hoping that monsieur the minister of the United States of America will see the matter in the same light, the federal council has the honor to renew to him the assurance of its high consideration.

In the name of the federal council, the president of the confederation.

DUBS,

The Chancellor of the Confederation Schiefs.

Mr. GEORGE HARRINGTON,
Minister Resident of the United States of America
near the Swiss Confederation, Berne.

[Translation.]

COPY OF THE RECORD OF PROCEEDINGS.

The prefect of the district of Martigny to the counselor of state, charged with the department of the interior.

MR. COUNSELOR OF STATE: I have the honor to send you the result of the inquiry made on the complaint against the guides Jean Rouiller and Etienne Pierroz, by Mr. Nisbet, to the minister of the United States of America in Switzerland. Circumstances have prevented me from sending this report sooner. I first sent the complaint to the commissary of guides, telling him to report upon it, and, after a month's delay, he said he preferred making a verbal report. Afterwards one of the chief witnesses, the woman an Guex Crosier, of the village of Rappes de Martigny-Combe, whom I had summoned, fell sick, and I had to go to her house to examine her.

That you may understand exactly what has been done, I will report the result of my examinations. I will then decide from the depositions if there is any foundation for the complaint, and which party is to be blamed. In the examination, the guides and others not knowing the travelers' names, called Mr. Brooks "the old man," Mr. Nisbet, "the bearded man," or "the man on the white horse," and Mr. Fowler, "the young man," but for brevity I will call them by their names.

Here is what the commissary of guides said: While in the public square of Martigny, he saw Mr. Nisbet come trotting down to the Hotel Clerc. At first he supposed he had forgotten something; but when he saw Jean Rouiller running after him, he thought an accident had happened. He went up to him and asked him what was the matter. He replied that Mr. and Mrs. Brooks, advised by Mr. Nisbet, wanted to send him back from Bourg-Martigny, but he said he would not go unless they paid him. Mr. Nisbet told them not to pay, because only one guide had been ordered, and then they came back to let the hotel-keeper decide. Hereupon the commissary started to the hotel, but when he saw Mr. Nisbet, he went up to him with Rouiller and wanted to talk to him; but he only showed them the order, which I inclose, and saying that the hotel-keeper had changed the number of guides from two to one, he galloped off. The commissary then told Rouiller he had nothing to do with that traveler; and as they had ordered two, they should pay for them, or come back and give reasons for not doing so. Jean Rouiller then went away, and that is all the commissary knows. He adds that the guides and mules that Mr. Nisbet had were ordered the day previous, and Mr. Brooks engaged his the next day, about nine o'clock.

Jean Rouiller gave the same testimony as the commissary, and added that, having overtaken the travelers at the village of Rappes, three-quarters of a league from Martigny, he told them what the commissioner said. Mr. Nisbet replied that he had nothing to do with him. The guide then asked to see the order of the hotel-keeper, reducing the two guides to one. Rouiller said the hotel-keeper had no right to do that; that the travelers must pay him, or go back to Martigny and satisfy the commissary. Mr. Nisbet insisting on proceeding, the guide took Mr. Brooks's mule by the bridle and turned it back, when Mr. Nisbet struck at him three times with his cane, striking him twice on the arm; he dodged the third blow and fell. On getting up and taking a stone, he threatened to throw it at Mr. Nisbet. Mr. Brooks's horse fell in the stream, but Mr. Brooks was not hurt by the fall. A pedestrian came up, when Mr. Brooks got on his mule again, and, on his advice, Rouiller was paid six francs for his day's work. Mr. Brooks then changed mules with Mr. Fowler, fearing to ride the one that had fallen with him, and which the guide said was now unsafe. Rouiller next claimed six francs for his mule, and it was paid him, after some hesitation. Rouiller then went back to the hotel with the animal. He said he did not

insist on going to Chamouny, or force the travelers to turn back, but only asked pay for his beast. He denies taking Mr. Brooks's mule by the bridle.

The other guide, Etienne Pierroz, confirms what Rouiller said, except the interview with the commissary, which he did not see. He says he was angry with Mr. Nisbet for not giving back the order, as that was necessary for his justification. He says they both mounted to catch up with the travelers, who were ahead, and not to keep them from riding.

Alexandre Girond, Mr. Nisbet's guide, being called and informed that complaints were lodged against the other guides, he said: *Those gentlemen ought not to complain, for they are wrong.* He then stated that on arriving at Bourg-Martigny Mr. Nisbet wanted to send him back, because there were already two guides along. On Jean Rouiller's saying that Girond had been engaged the day before, and could not be sent back, they wanted to send Rouiller back, but he said he must go on to Chamouny. Rouiller said he would go back if they would pay him; this Mr. Nisbet refused to do, when Rouiller showed the order from the hotel-keeper for two guides for the Brooks family. Then Mr. Nisbet agreed to go back with Rouiller and see the hotel-keeper about the dispute. They started back, and the others went on towards Chamouny. Mr. Nisbet overtook them in a quarter of an hour, and Rouiller soon came up panting, and told them what the commissary had said. Mr. Nisbet said he had nothing to do with the commissary, and asked to see the order, to prove that the hotel-keeper had reduced the number of guides, and to show that he owed Rouiller nothing, and they then started; but Rouiller seized Mrs. Brooks's mule, and said: "If you will not pay me, we will go back to the commissary." Mr. Nisbet, in a rage, struck at Rouiller with his cane. Girond could not see if he was struck, but saw him pick up a stone and ask Mr. Nisbet if he intended to strike him again. At this time Mr. Brooks's mule fell with him, without injury. A young man on foot then came up and advised them to pay Rouiller and to send him back. They paid him the six francs he claimed. He left his horse with Mr. Brooks, who did not want to take it. Rouiller then said: "If you send the horse back, you must pay me six francs more." The traveler then gave him six francs.

Girond being interrogated on certain allegations in the complaint, he said Rouiller did not insist on going to Chamouny, but only said: "They have engaged me, and they must pay for my services." Rouiller did not take Mr. Brooks's horse by the bridle and cause him to fall, nor did he say all three of the horses must be taken back. He did not refuse to take the horse that had fallen back. He says the guide Pierroz did not shake his fist at Mr. Nisbet, but he heard a dispute because Mr. Nisbet refused to give up the order to him. After all was over, Mr. Fowler said ironically to Rouiller: "No dinner nor peanuts for you to-day." Even after the fall, Mrs. Brooks was willing that Rouiller should go on, but Mr. Nisbet objected.

Hearing that Eugene Sandron, of Rappes, had helped to get the horse out of the gully, I had him called. He said he saw nothing before the horse fell, but he saw Rouiller receive six francs for his own services, and six for his horse, given to him by a young traveler. From what he had heard, he thought the strangers were wrong. He said the widow Melanie Guex Crosier had seen and heard all, from her window over the road where the scene occurred.

I went to see her, and she confirmed all that Alexandre Girond had said. She saw Rouiller receive two blows from Mr. Nisbet's cane. Rouiller said several times: "Either retain me, pay me, or take me to the commissary." She says Rouiller did not touch Mr. Brooks's horse, and it was the young man who advised Mr. Brooks not to keep the animal. She saw Rouiller receive six francs at once, and six francs for his horse, given to him by the young man on foot. Mr. Fowler said to him: "No vale, no dinner for you this day," and Rouiller simply replied, "I don't want your dinner." She did not see Pierroz shake his fist at Mr. Nisbet. She was above the people, and could see and hear everything. She saw no other persons present, but some came up afterwards.

I thought this sufficient to convict Mr. Nisbet and release the guides, so I made no more examinations.

The unanimous testimony of the persons examined shows that the order of service given by Mr. Clerc, of the hotel, to the commissary of guides, mentioned two guides for the Brooks family; that they wanted to send back one guide when only a quarter of a league from the starting place; that this guide did not refuse to go back, but demanded compensation, either from the travelers or from the hotel-keeper, by virtue of article ten of the law on transport service to travelers; that it was agreed to refer the matter to the hotel-keeper, when the travelers said they wanted but one guide; that Mr. Nisbet hurried to the hotel and had the order for guides changed from two to one, which could only be done by the commissary, and not by the hotel-keeper; that Mr. Nisbet would listen to no explanation from the commissary, and even ventured to strike a guide not in his service; that Rouiller did not cause Mr. Brooks's horse to fall, but the horse fell from fright at Mr. Nisbet's cane; that the guide did not offer to take Mr. Brooks's horse away; he did not receive money for the entire journey from Martigny to Chamouny, but was paid for half the way, six francs for himself, and six for his horse; and finally, the witnesses of the scene were indignant at Mr. Nisbet for his conduct.

The guides and witnesses do not blame Mr. Brooks, but condemn Mr. Nisbet for meddling with a business that did not concern him.

I cannot understand why Clerc, of the hotel, casts all the blame on the commissary, unless for some grudge, for I cannot conceive that he is to blame. The hotel-keeper did wrong to change the number of guides without consulting the commissary, making Mr. Nisbet believe the affair was amicably settled. He ought to know that when a guide is engaged he cannot be discharged without pay, against his will, and without the decision of the commissary.

If the guide had been sent back from the hotel, or Bourg-Martigny, he would have been entitled to three francs, by article ten, second section, of the law regulating the transport service of travelers; but after starting with him, and causing him to lose much time, I think that the twelve francs that Rouiller demanded was his due for himself and his horse.

I must add that Mr. Nisbet shows that he does not know how to travel over mountains, when he complains of a halt of an hour and a half midway. *If he had any sense he ought to know that a guide and horses cannot go eight or ten leagues a day over mountains without rest, particularly after waiting for the travelers one or two hours at the hotel.*

What Mr. Nisbet says about every guide getting three francs from the hotel-keeper for every person brought to the hotel is too silly to be believed. It may be done elsewhere, but not at Martigny and Chamounix.

Here are the facts, Mr. Counselor, as I obtained them, and I refrain from expressing my opinion thereon.

I return the three documents you sent me, and accept the occasion, &c., &c., &c.

GAY,
Prefect of the Martigny District.

Mr. Harrington to the High Federal Council.

LEGATION OF THE UNITED STATES, May 2, 1868.

The undersigned, minister resident of the United States near the Swiss Confederation, has the honor to acknowledge the receipt of your excellency's communication of the 15th ultimo, relative to the complaint of Mr. W. F. Nisbet and other American citizens, of the misconduct to which they were subjected on the part of certain guides serving the route from Martigny to Chamounix, by the Tête Noire, which the undersigned had the honor to submit to the high federal council under date of September 23 last.

Your excellency informed the undersigned of the result of the investigation called for by the high federal council, and, at the same time, inclosed to him a copy of the record of proceedings and of the testimony taken, as submitted by the authorities of the canton of the Valais, upon which those authorities declared the guides exculpated from all blame except for a slight misdemeanor on the part of guide Bouiller, for which, as a punishment, he would be suspended for a short period, at the commencement of the approaching season, from his functions as guide.

Accompanying this record was a paper, presumed to be the original order, by virtue of which *two* guides instead of *one* (the cause of the difficulty) presented themselves as attached to the party of Mr. Brooks, and was, doubtless, submitted by those authorities as a justification, firstly, for the appearance of the two guides, and secondly, as a further justification of the demand for indemnity, so rudely presented, and, in the opinion of the undersigned, so unjustifiably enforced from the travelers when the extra guide was told that his services had not been commanded and were not required.

Your excellency will permit the undersigned to refer to the testimony upon which the authorities of the Valais profess to have relied for their double verdict—that of acquittal of the guides, and conviction of wrong on the part of the travelers.

Aside from the counter declarations of the incriminated guides, who naturally sustained one another in pleading "not guilty" to the charges preferred against them, it appears by this record that but two witnesses were summoned, notwithstanding the assertion of the parties complaining that "about twenty persons gathered about the scene," notwithstanding the declaration of the two cited witnesses that several persons were present, and notwithstanding the statement of the landlord of the Hotel Clerc, in his communication of the same day of the occurrences, that he had that morning been informed of the gross outrages that had been perpetrated upon the travelers. These concurrent statements prove conclusively that the lack of testimony was not compulsory.

Of these two witnesses, the first one (Sandon) testified that he saw nothing of what had passed before the fall of the horse, but "from what was stated to him by the people of his village, he estimated that the travelers were wrong."

The second and only other witness is asserted to be a widow, so enfeebled as to have been unable to appear before the magistrate. Her testimony certainly confirms all the declarations of the guides. She neither saw nor heard anything improper done or said

by them, but is decisive as to the numerous and frequent provocations on the part of the strangers. She asserts that she witnessed the whole scene from the window of a neighboring house, and is especially positive as to the exact sum that was finally paid by the travelers as indemnity for the dismissed guide and returned horse—that is to say, six francs for each. As it would be simply impossible for any one standing in a distant window to know, under the circumstances, how much, if any, money was passed from the hand of one individual into the hand of another, the undersigned may be pardoned for the little confidence he has either in the testimony or the witness.

Such is the testimony upon which the prefect of Martigny professes to rely in justification of his declaration that each and every charge and specification brought by the complainant (Nisbet) was false, notwithstanding they were sustained by four other unimpeachable witnesses.

The occurrences complained of took place on the 10th September, and the formal complaint of the parties was, on the 23d of that month, submitted to the high federal council, who immediately communicated with the authorities of Valais. The complaint, therefore, reached these authorities while the occurrences were fresh in memory, and before they had ceased to be a subject of comment. The landlord of the Hotel Clerc had already given voice to the general indignation by his voluntary urging the parties to bring their injuries before the proper authorities, in order to suppress the scandalous and outrageous treatment to which travelers were subjected by those guides. The undersigned fails to observe in the record that any of the "people of his village," referred to by the first witness as conversant with the facts, or that the landlord of the Hotel Clerc, or any of the witnesses known to him as being informed, were called upon for testimony, though the prefect says, "I cannot comprehend why the master of the Hotel Clerc should have thrown all the fault upon the commissioner of guides," &c. Certainly the prefect had power to ascertain why the keeper of the hotel had thus asserted, and it is equally certain, if the record be true, that he did not exercise that power. Why he did not do so he leaves to inference. That inference cannot be other than prejudicial to the good faith of the investigation. The basis of this difficulty, and the justification for all the subsequent acts of the guides, appears to have been the alleged order, above referred to, for *two* guides for Mr. Brooks's party, instead of one, as he asserts he commanded. It is claimed that, under and by virtue of that order, Mr. Brooks was either bound to take two guides to Chamounix, or he or some one else should pay an indemnity. And what was this alleged order? Simply a paper, without signature, containing neither the name of Mr. Brooks nor other person, upon which was written, "two guides and three horses;" a paper with no other paternity than evidences that it issued from the Hotel Clerc. By whom written or by whom uttered was unknown to Mr. Brooks, though evidently known to the guides. Can it be successfully, or even seriously, asserted that such a paper committed Mr. Brooks to the payment of any money, when he promptly, at the commencement of the journey, declared that he had ordered and wanted but one guide?

Admitting that such paper was, in the usual form, employed on such occasions, the correctness of Mr. Brooks's declaration that he had ordered but one guide was clearly and promptly admitted when the order, without hesitation or question, was changed from two to one. It is not claimed, nor even pretended, that the error, if error there was, was committed by or originated with Mr. Brooks.

In a community consisting of hotel-keepers and their employés, guides, muleteers, &c., dependent for support mainly upon travelers, collusion on the part of such for mutual benefit, at the expense of the strangers, it will be admitted are liable to occur, and to which, most frequently, the strangers submit rather than be delayed and suffer more serious annoyances. The undersigned does not charge collusion in this case, but it is certain that the indemnity demanded for the extra guide was forced from the strangers, and in amount, he is still constrained to believe, equal to the full charge for a guide and a horse for the journey from Martigny to Chamounix, notwithstanding it was not only made clear, but admitted at the time, as is shown by the record, that the error originated with the author of that order, and was in nowise the fault of Mr. Brooks. The undersigned claims that thereafter the latter should have been allowed to pursue his journey unmolested.

The complaint presented was of a grave character; it narrated a series of most discreditable acts, following each other in logical sequence, and culminating in that which endangered not only the limbs but the life of one of the party; and this narration, so clearly set forth, was sustained by five intelligent and responsible parties, one of whom, at least, Mr. Nisbet, from long residence and travel in Europe, was familiar both with the language and habits of the country. In the opinion of the undersigned, such a complaint, so substantiated, should have received from those authorities a thorough and searching investigation; it was submitted with that expectation, and in the hope that the punishment awarded to the guilty parties would have served to shield his countrymen, in the future, from like oppression and indignities, which are so offensive to the rights of protection guaranteed by treaty stipulations, and so violative alike of justice and the laws of hospitality. He regrets being obliged to say that, judging by the

record, the investigation appears to him to have been partial and unsatisfactory. He has reason to believe, however, that other and further information or testimony than is shown by the record *was* obtained or taken, but why suppressed is left to conjecture. It certainly would have been more satisfactory had the record been complete, even had the additional testimony been only cumulative or against the complainants.

In thus submitting to your excellency the impressions which the perusal of the record made upon him, the undersigned trusts that he used no expression that may be construed as reflecting upon the action of the high federal council. He owes to them, and prays your excellency to accept, his thanks for the prompt manner in which, at his request, the authorities of the Valais were called upon for explanation.

The undersigned seizes this occasion to renew to your excellency and the high federal council the assurances of his highest consideration.

GEORGE HARRINGTON.

His Excellency Dr. I. DUBS,
President of the Swiss Confederation.

The High Federal Council to Mr. Harrington.

BERNE, May 13, 1868.

The federal council thinks proper to inform monsieur the resident minister of the United States to the Swiss Confederation, that it has communicated the original and the translation of the note which Mr. Harrington has addressed it on the 2d instant, concerning the complaint of Mr. Nisbet against the guides Rouiller and Pierroz, to the government of the canton of Valais, inviting it to communicate this reply to the authorities who have acted in this matter, leaving it to the care of taking the measures which it may judge proper.

The federal council has also added that it thinks it would be for the interest of the country to verify how far the having omitted to give a hearing to many eye-witnesses may be confirmed, and to ascertain the motives of that omission, as well as to determine upon what may appear necessary under the circumstances.

Finally, the federal council has stated to the government of Valais that it expects a report upon the measures taken and their results.

The federal council will, then, probably have occasion to make further communications on this subject to monsieur the resident minister of the United States of America, and, meanwhile, it has the honor to renew to Mr. Harrington the assurances of its high consideration.

In the name of the federal council, the president of the Confederation,

DUBS.
The Chancellor of the Confederation,
SCHIEFS.

Mr. G. HARRINGTON,
*Minister Resident of the United States of America
to the Confederation of the Swiss, Berne.*

The High Federal Council to Mr. Harrington.

BERNE, July 25, 1868.

The federal council thought proper to communicate to the authorities of the canton of Valais the note of the American minister, dated 2d of May last, relating to the complaint of Mr. Nisbet against the guides Rouiller and Pierroz, with the order for a new examination of the facts that gave rise to the complaint, taking into consideration the observations presented by the plaintiff.

This having been done, the federal council now sends Mr. George Harrington a copy of the report dated the 21st instant, and the result of the second investigation, confirming the first, and to repeat to the minister resident the assurances of very high consideration.

WELTI,
Vice-President for the Federal Council.
SCHIEFS,
Chancellor of the Confederation.

Mr. GEORGE HARRINGTON,
United States Minister Resident, &c., &c., &c., Berne.

The State Council of the Canton of Valais to the Federal Council.

[Translation.]

SION, July 21, 1868.

GENTLEMEN: According to your order of the 13th of May, 1868, we have caused a second investigation of Mr. Nisbet's complaint against the guides, Rouiller and Pierroz, from Martigny, as presented by the United States minister.

This second inquiry confirms the evidence given in our first report.

On starting, the travellers wanted to send back one of the guides engaged, and keep his horse. The guide claimed compensation for loss of time. This being refused, he proposed to take back his horse. Thereupon a dispute arose, and with hard words, Mr. Nisbet struck the guide with his cane, who in a rage threatened to take his horse away. At this moment the horse and rider fell in a ditch, doing no harm.

Both parties were wrong here. If the traveler had paid the guide what was due him, and had not struck him, the consequences would not have been serious. Mr. Nisbet did not ask a judicial inquiry, but only an examination before a magistrate, as a police offense.

We accept the investigations of the prefect of Martigny, though not conducted with due formality.

In this inquiry the prefect got a report from Mr. Clerc, the hotel-keeper, Mr. Nisbet's witness, showing, first, that it is not customary to sign orders for guides and mules; second, that Mr. Brooks's order called for two guides and three mules; third, that the number of guides was reduced to one, at the request of one of the travelers, who returned to Martigny for that purpose; fourth, that Mr. Clerc, on hearing of the dispute, told one of the travelers he could send the guide back if he paid him. Mr. Nisbet said he knew nothing of the widow Genx-Crosier, one of the witnesses. Now, the inquiry shows her house to be near the road—the window where she was, only one and one-half yards from the ground, and four and one-half yards from the ditch in which Mr. Brooks's horse fell; so she could well hear everything that passed. She heard the guide say he was satisfied with the twelve francs paid him; and there is no doubt of this, for Mr. Nisbet and the guide both confess it.

Another disinterested witness, the guide Alexander Giroud, gave testimony before the prefect, in favor of the guides.

The inquiry also shows that the persons present (said to be twenty by Mr. Nisbet) came up after the horse fell, and could not have seen what passed previously.

In view of this inquiry, the state council cannot alter its decision temporarily suspending the guide Rouiller from the exercise of his profession.

The state council, learning that the commissary of guides acted imprudently in advising the guide to take his horse back, it was determined to reprimand that official. In conclusion, we must say it is the commissary's duty to settle disputes with guides, and Mr. Nisbet ought to have applied to that official, and not to the hotel-keeper, to settle his dispute with the guide.

Accept, gentlemen, the assurances, &c., &c.

(Signatures of the councilmen follow hereunder.)

Mr. Harrington to the High Federal Council.

LEGATION OF THE UNITED STATES,

Berne, August 3, 1868.

The undersigned, minister resident of the United States, has the honor to acknowledge the receipt of the communication from the high federal council of the 25th ultimo, transmitting copy of a report from the council of state of the canton of the Valais, relative to the difficulty that occurred in September last on the route "Fête Noire," between a party of Americans and certain guides, heretofore under consideration.

In thanking the high federal council for their action in the premises, the undersigned can only reiterate his regrets that a portion of the testimony tending to the opposite conclusions of those originally emitted by the prefect of Martigny should continue to be suppressed, the undersigned having been assured by the party making it that such testimony was submitted in writing. The undersigned observes that, in addition to the judgment of the prefect of Martigny, the council of state has pronounced the chief commissioner also to have been guilty of impropriety, and subjected him to reprimand. Slight as the punishment has been, in the opinion of the undersigned, for such grave offences, he is not without hope that it will tend to restrain the unauthorized and improper conduct on the part of the official guides, of which there has been heretofore so frequent occasions for complaint.

The undersigned begs to renew to your excellency, and the high federal council, the assurances of his highest consideration.

GEO. HARRINGTON.

His Excellency Dr. J. DUBS,
President of the Swiss Confederation, Berne.

Mr. Seward to Mr. Harrington.

No. 35.]

DEPARTMENT OF STATE,
August 19, 1868.

I have the honor to acknowledge the receipt of your dispatch of the 22d of July last, No. 61. It contains a sequel of proceedings in the case of John Hürlimann of Philadelphia, a minor claimant of certain moneys in the hands of Oberentfelden, Canton Aargau, as the property of his deceased mother. Your communication to the federal council upon that subject was discreet and proper. The decision of the federal council was clearly just, and furnishes a new proof of the wisdom as well as of the friendship of the Swiss government for the United States.

The successful result of the whole proceeding must be especially satisfactory to the claimant, while it is gratifying in a national view to the United States. It is the more gratifying, for the reason that the solution has been reached by the Swiss government, acting independently and without any unfairness or want of liberality on the part of the government of the United States.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GEORGE HARRINGTON, Esq., &c., &c., &c.

Mr. Harrington to Mr. Seward.

No. 68.]

LEGATION OF THE UNITED STATES,
Berne, September 3, 1868.

SIR: Under date of the 27th of July, my No. 62, I had the honor to transmit copies of a correspondence consequent upon the arrest of Mr. Charles Berry by the authorities of Basle.

Since that date two communications have been exchanged between this legation and the high federal council, occasioned by a supplementary reply of the authorities of Basle to my communication to the federal council of the 27th of July.

Of this correspondence copies will be found herewith. It presents some curious points. The Basle authorities condemn the trustee, Stehlin, and have, I am informed, reprimanded him. While they claim that the alleged early transgressions of the girl (for the charges appear to be confined to a period long anterior to her marriage with Berry, of which they carefully abstain from alleging that Berry had knowledge) are sufficient to justify their acts against him. Of this, however, I conceive that I have nothing to do.

It is proper to add, that in settling the estate, it was understood that no further claim for damages for arrest and imprisonment should be preferred by Mr. Berry, nor on his account by the government of the United States. Upon this assurance the five thousand francs advanced by his mother will be considered as a gift, and that amount heretofore deducted from the fortune, formerly in the hands of the trustee, will be or has been paid over to him or his agent.

I have given no assurances in the premises, and shall await advices from the department.

I am clearly of the opinion that our position has been fully vindicated

so far as Berry is considered, and that hereafter there will be no further arrests of American citizens without good and justifiable cause.

I have the honor to be, with great respect, your obedient servant,
GEO. HARRINGTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

The High Federal Council to Mr. Harrington.

[Translation.]

BERNE, August 17-21, 1868.

The federal council has hastened to communicate to the government of the canton of the city of Basle the late note which Mr. Minister Resident of the United States of America to the Swiss confederation addressed it on the 27th of July last, concerning the claim of Mr. Charles Berry, a naturalized American citizen, and this communication has elicited from the aforesaid government the reply which the federal council has the honor to transmit herewith in copy to Mr. Harrington, with a number of accompanying documents in support thereof, marked A and B, being annexes which Mr. Minister Resident is requested to return after having taken note of them.

The federal council believes that Mr. Harrington will be ready to concur in thinking that this affair has been sufficiently elucidated, and that there is no occasion to revert to it, Mr. Berry having gone through the formalities prescribed for the emigration of a Swiss citizen as a native of Basle, and having in fact become disconnected from the ties which bound him to his native country.

The federal council embraces this new occasion to renew to Mr. Minister Resident of the United States of America the assurances of its high consideration.

In the name of the federal council, the president of the confederation,

DUBS.

*The Chancellor of the Confederation,
SCHIESS.*

Mr. GEORGE HARRINGTON,
Minister Resident of the United States of America, &c., &c., &c., Berne.

(With a copy and two annexes, A and B.)

The Bourgermâster and Council of the Canton of Basleville to the High Federal Council.

[Translation.]

BASLE, August 12, 1868.

In regard to the note of the American legation, dated July 27, and transmitted to us the 3d instant, concerning Charles Berry, we have the honor to give the following explanations:

First of all, we think objectionable the declaration of the American legation that "the otherwise unsatisfactory report of the authorities of Basle compelled him to seek elsewhere for explanations," and such unofficial information ought to have been submitted with the other documents, in order to enable us to express ourselves more clearly in relation thereto, or they should not be regarded of value as against our statements of the facts. In this case it is of the more importance, because it has been unnecessarily exaggerated, and in fact really distracted.

Being obliged to repel earnestly all the charges and one-sided criticisms in the case, we are still ready to show our willingness to give to the legation all necessary explanations in the matter.

The fact that the high federal council has given, on the main point, to the legation an answer in accordance with our law and our views, renders unnecessary a more detailed reply to that voluminous paper.

Throughout that document the idea is kept up that Berry, as an American citizen, has entirely and long ago ceased to be a citizen of Basle, and that therefore the American authorities had the right, and it was their duty, to protect him against the enactments of our canton. However strongly this supposition is asserted, it is groundless as against existing facts and our laws.

Berry, who was discharged from his citizenship on the 27th June last, was a citizen of Basle until that day. The question why Berry was once put under guardianship has

no business here; it is sufficient that the reasons therefor were cogent enough, and our judicial proceedings, previous to the withdrawal of civil rights, presented every desirable guarantee.

The trustee had to deliver annually an account of the administration of the property, and to send the interest of it to his minor, &c.; in short, the entire condition was a legal one, and recognized as such by all. Berry himself never doubted this a moment until he commenced to make bold front against his trustee with his American citizenship in order to get his property. This he did not do until the beginning of the last year.

By article thirteen of our laws in relation to allegiance, (inclosed hereby,) Berry could be discharged therefrom only by a definite resolution of the council, and it required the consent of his trustee.

On the 15th of June last, Berry forwarded from Stuttgart an application for his discharge of allegiance; the trustee recommended it; the city council agreed to it; and we gave him this discharge and made it public. The concerning documents we have annexed, marked A.

By all this it is clearly shown that Mr. Berry was till then a citizen of Basle, and considered himself as such.

The note of the minister resident shows a very grave misapprehension by producing the case of Ostermann in support of a theory which we do not wish further to discuss, as the federal council has already advised the legation. By the sentence of the court at Colmar, Ostermann was declared to be a citizen of Basle and to be no longer a citizen of France, because the French law prescribes, directly contrary to our law, that all persons who become citizens of foreign countries, lose thereby their French citizenship.

If Berry's citizenship of Basle is fully substantiated, then all the remarks of that note about the measures taken to take care of Berry fall to the ground.

It is to be regretted that the legation did not get a more minute insight into our laws; it could have been spared all these erroneous judgments which it repeatedly brings against us.

First of all it is a capital error to speak of "confinement to hard labor," "incarceration in a states prison," to make "*travail forcé*" out of administrative decisions, which, having strict regard to the character of such cases, are executed or inflicted in other places than the public penitentiaries. For example, Mr. Berry would have been brought doubtless to Mr. Werner's establishment at Reutlingen.

The law in regard to the situation of persons in houses of correction, which we append, also, will show that it has nothing to do with crimes, and all that is said about the non-existence of such in this case, is needless. And, as the American legation goes so far as to represent Berry as a man upon whom no blame really falls, we submit for examination the report of the trustee marked B. This shows Mr. and Mrs. Berry in a light sufficient to justify the government in taking care of him. As before stated, we had decided negatively in the matter before the communication of the federal department of justice and police had reached us informing us of the reclamation, and asking for explanations.

Otherwise it appears to us a little far sought, that his status of an American citizen is so partially forced upon our common countrymen, and everything disregarded that kept him in connection with his original and never given up home.

We must repeat here that at the time of the preliminary arrangements nothing was known to us about his American citizenship. If this had been known to us, we should, as stated above, have had the right to treat him as a Balois, but it is possible that this fact would have served to dismiss the matter.

There are two more points on which we have yet to express ourselves. The first point regards the way and manner of the trustee in having his ward come here to Basle. We agree so little with it that we must declare the insinuation of the note as to the act having been done with our understanding, as incorrect.

The second point regards the protracted imprisonment of Berry, and the letter to the consul, which the director of police did not deliver at once.

The arrest of Berry was upon the whole entirely in order. It was in consequence of the request that he should be taken care of, and this request was not, as stated in the note, the request of a single individual, but of the trustee and the whole family. For example, the brother-in-law of Berry, the military commissary here, was there in person. The prisoner declared at once that he would submit to the inflicted custody, (he had civil detention, two rooms, good board, the permission to smoke, and to promenade in the yard;) he recognized the right of the Basle government to dispose of him, but declared that if informations from Stuttgart should be acquired he would not be placed in a house of correction. At that time he did not appeal to his American citizenship. Soon after he wrote to his wife; the letter was sent at once. After this he submitted a letter to the director of police for the United States consul here. The director of police replied that it was his mission to treat him as a citizen of Basle, with the view to an investigation and his being taken care of, and he could not admit that Berry should at once involve other authorities in the matter; afterwards would be time for this. Since then nothing further was spoken of that letter; Berry never mentioned it again. The director of police had so little intention to wrong him that he at once laid the letter

one side with the other documents and delivered it to Mr. Consul Wolff upon his first request.

Notwithstanding the letter was repeated, the report from Stuttgart did not arrive for a long time, because Mrs. Berry had left Stuttgart in order to make reclamations, or, at least, had sent the papers away for that purpose, whereby she committed the great fault of setting aside the authorities of Basle.

We hope that the foregoing may serve to enlighten the American legation as to how much this Berry and his affairs might be taken in consideration from our point of view, and that the censures made do not appear to be justified.

We seize this occasion, &c.,

The Bourgermaster, C. T. BURKHARDT,
The Secretary, GOETTISHEIM, Dr.

Report of Mr. Stehlin, trustee of Mr. Berry, to the Bourgermaster and Council of Basleville.

[Translation.]

BASLE, April 20, 1868.

The humble undersigned feels himself under the sad necessity to apply to your honors to have his ward Charles Berry placed in the house of correction at Kalshrain.

The reasons forcing me, with the consent of the mother and other relations of my pupil, to apply for this most extreme measure have their foundation partially in a time past, but partially and specially the present. Charles Berry showed after his majority such a light character, such an inclination to extravagance, and so little desire and ability for any sort of labor, and suffered himself to be deceived and taken advantage of by so-called friends in such a manner, that in the year 1857 application had to be made to declare him deprived of his civil rights, and the application was granted by the court of wards on the 7th January, 1858, and I was appointed as his trustee. The property which I held in trust then amounted to 25,000 francs and is the same yet.

The adventures and lot of my ward during the last eleven years have been various. At the beginning, the director of a college, Mr. Kettiger in Weltingen, attempted his education, but in vain. Berry then entered the military service of the kingdom of Naples, and, it is said, behaved himself well. The events of 1860 forced him to return home. I kept him occupied at first in my own office with copying. Colonel H. Wieland employed him for the same purpose, but he unfortunately could not hold this position by reason of culpable offense. Military service had to be sought for, as only such continual discipline would suit a character like his, and he had no objection thereto. He concluded to go to America and to enter the armies of the United States. During the civil war there all went on well, but as soon as Berry quitted the service and was thrown on the pavement of New York, the misery recommenced because he could not get accustomed to any orderly civil occupation. In the fall of 1865 he surprised his family with the news that he had married; giving the name of his wife as "Bertha Ulmer," and speaking of her in the most tender and affectionate terms. At the same time he requested the delivery of his property or a part thereof for the purpose of buying a so-called café-saloon in New York, and demanded the restoration of his civil rights. I could not respond to his wishes, but his mother let him have 5,000 francs and with them he purchased one of those numerous establishments in New York. Not long after, in the beginning of 1867 he tried again to force the delivery of his property, basing his claim on his rights as an American citizen. First, a notary received a power of attorney to collect the money, then the American consul. I declared to both of them that I would not deliver the property and titles confided to me without a judicial sentence to that effect.

In the meantime my ward had to abandon the management of that café-saloon and was deprived of all honest means of subsistence, once more upon the streets, his pretended wife with him. This seemed to have induced her to come to Europe in order to manage personally the delivery of the money. She made her appearance in August, 1867; was lodging, being in bad health, for several weeks in a hotel, till Madame Berry-Bruderlin resolved to take her to her house at Zurich. The original intention, to return to New York, was given up by her, when she saw that the obtainment of her husband's property met with invincible obstructions. It was therefore resolved that Berry should come to Europe also.

During her sojourn here, Bertha Ulmer presented a certificate of marriage signed by a Rev. Toelke of New York, and dated October 23, 1865, according to which her name was Bertha Ulmer, born on the 29th of June, 1843, at Ludwigsburg. Beside this, she stated that her father had been adjutant of the 7th regiment of infantry of Wurtemberg; that her parents had died and that she had emigrated with her uncle to the United States in 1851 and had lived with him on a farm in Rockland county, State of New York, until she became acquainted with Charles Berry.

The reimbursement of debts and expenses of Berry, with which the firm Meyer & Leber was charged, offered various difficulties; one creditor, having procured a writ for the arrest of his person, and carried on a law-suit against him. This creditor was one Mr. Sporry, of Zurich, who, by the intervention of some other Zurichois, transmitted to the family of Berry a number of documents relative to that law-suit. These were depositions of witnesses and of a most injuring character for Bertha Ulmer. They stated that this person had lived in New York as a public courtesan for several years and under different names, viz: "Bertha Freundlich," &c., that she was married to one Peter Weber, who is living now in Norfolk, Virginia, and that by the marriage with Charles Berry she committed bigamy. As a proof of this latter fact a copy of the certificate of marriage, dated May 14, 1864, was annexed, in which the person was named Bertha Freundlich, born on the 29th of June, 1845, at Hamm, district Worms, Grand Duchy of Hessen.

The authority and validity of these statements seemed to me to be questionable, the much more as Bertha Ulmer, whom I interrogated on the subject, denied everything, and weakened the import of these statements by the assertion that such certificates could be bought for a few dollars, if such a man as Sporry should find it in his interest to do so.

With such a state of affairs, I dared not to take decisive steps, but I endeavored to obtain reliable information in Europe as well as in New York, in which the honorable city clerk assisted me with obliging readiness.

The first result at Hamm, district Worms, was, that no "Bertha Freundlich" was ever born there; that this name was entirely unknown in the register of births of that community.

A twice repeated application at Ludwigsburg had also a negative result. A "Bertha Ulmer" was nowhere to be found, even after the original declarations about her parents were given.

In the meantime one of my agents in New York succeeded in getting Berry released from prison, paid his debts and transported him to Europe. He arrived here at the end of November. Before this, it was arranged that Bertha Ulmer should get in person the papers from Ludwigsburg, necessary for her admission to the Basle citizenship, and, as she alluded to the support of some of her relations there and of a paternal friend, it was decided to have her take up her abode there first.

With this intention Charles Berry and Bertha Ulmer left Basle on the 9th December, 1867. The next letter did not come from Ludwigsburg but from Stuttgart, and it was therein said that they chose rather to live in Stuttgart.

The transmission of the required papers was long delayed; finally, on the 2d of February last, they arrived and were, viz:

1. A certificate of birth;
2. A certificate of marriage.

These papers set forth:

- a. That the name of this person is not Bertha but Catherine Ulmer;
- b. That she was not born at Ludwigsburg but at Klein-Ingersheim;
- c. That her father was not an adjutant of a Wurtembergian regiment, but a peasant;
- d. That the name of her mother was not Bertha Blankenhorn, but Susanna Johannes Wacker, &c., &c.

Private information from a friend of Madame Berry-Bruderlin proved that the mother of Bertha Ulmer was living yet, and, in truth, in very poor circumstances; that Bertha, respectively Catharine, did service in Stuttgart, or, more clearly said, was a public courtesan of the lowest sort; that she was sent by her community to America about seven years ago; that she wanted now a certificate to acknowledge her as a native of that town, in which her father should be designated as an "officer." She declared her husband to be a Count Charles de Berry, a direct descendant of that ducal family de Berry of France. These papers and private information showed that Charles Berry was the victim of the meanest deceit. However, I tried, assisted by the city clerk, to have these private statements officially confirmed. The magistrates of Klein-Ingersheim and Besigheim confirmed in all the main points that which the friend of Madame Berry-Bruderlin had stated.

In the mean time the statement of an officer of the detective police in New York in regard to her history there had been received. These statements, which seem to me to be absolutely trustworthy, confirm not only the depositions of the witnesses in that law-suit, but state a number of facts of the most serious kind; especially they set aside all doubts about the marriage between Bertha Ulmer and Peter Weber.

How much of all this Berry knows, I cannot decide, but I cannot believe that he had no knowledge whatever of these facts. And I also believe that such a condition of affairs would not be suffered if the family and the authorities had knowledge thereof; and for the termination thereof I have no other and better means to propose than that of placing Mr. Berry temporarily in a house of correction with compulsory labor. I shall therefore induce him to come here, in order that the measures prescribed by law may be taken, and especially the police may be addressed thereon.

By such provision we would at least accomplish the separation of Berry from a cast away person, who had so deceived him by means unknown to us, not, however, by her personal gracefulness, and on the other side Berry would get accustomed to work. Perhaps he will make up his mind again to enter military service, the only occupation for which he is qualified. In his letter from Stuttgart he asserts that he teaches the English language and that he has several pupils, but this believe who may.

Submitting to your honor's consideration my proposition, I have the honor to remain,
&c., &c., &c.

DR. KARL STEHLIN.

Mr. Harrington to the High Federal Council.

LEGATION OF THE UNITED STATES,
Berne, September 1, 1868.

The undersigned, minister resident of the United States, has the honor to acknowledge the receipt of your excellency's communication of the 21st ultimo, covering certain papers relative to the affair of Berry, copies of which will be transmitted to his government.

In accordance with your excellency's request certain of said papers, as indicated, are returned herewith.

The undersigned seizes this occasion to renew to the high federal council the assurances of his most distinguished consideration.

GEO. HARRINGTON.

His Excellency Dr. J. DUBS,
President of the Swiss Confederation.

Mr. Harrington to Mr. Seward.

No. 72.]

LEGATION OF THE UNITED STATES,
Berne, October 10, 1868.

SIR: Switzerland has recently been subjected to what may justly be termed a national calamity. After an exceptionally dry and agreeable season the country has been visited by an heretofore unequalled rainfall, and much of the cantons of Grisons, Tessin, the Valais, Glaris, and St. Gall, and Uri, have in consequence thereof been literally desolated by inundations. The mountain rivulets and cascades suddenly swelled to torrents, swept villages, hamlets, cattle, woods, bridges, dikes, earth, and stone, as debris upon the fields below, which are thus rendered forever hopeless wastes.

The appeal of the authorities of the canton of Tessin to their more fortunate fellow-countrymen officially sets forth the effects of the storm, and this description may be taken as applicable in a greater or less extent to the other cantons named:

In the night of the 27-28th September our canton was struck by a frightful catastrophe. A volume of water precipitated itself as a deluge into the valleys of Blenio, of the Levantine, the Riviera, the Venasco, and the Maggia. This scourge was accompanied by the destruction of buildings, and by the fall of trees, by earth and rock slides, in such manner as if all the elements had combined to rival each other in the work of devastation. All the beautiful country that extends from Giornico and Olivone to Biasca, unrecognizable to day, is nothing but a mass of debris. Roads, bridges, and dikes, are destroyed; houses, mills, and stables, have been swept away; the rich forests, the fertile fields, and vineyards, but yesterday flourishing, have disappeared; cattle have perished by thousands, and that which adds to the consternation is the loss of more than fifty persons; some surprised in their sleep, and others the victims of their devotion while attempting to rescue and assist the drowning; fathers and mothers of families have been crushed under their falling houses and their bodies swept off by the rushing waters.

The disaster surpasses all that imagination can picture. Thousands of families have been struck by the calamity, and too many of them have been reduced to the last extremity, without roof, without clothes, without bread, and several deprived of their fathers.

The losses, which for the moment cannot be stated, will rise to millions. * * *

The authorities, the societies and the citizens of this canton, reserved by Heaven for so cruel an experience, are occupying themselves in providing for the immediate wants of the victims; but all our forces will not suffice for this immense burden. To you we address the appeal, which, in this supreme necessity, is an utterance of the heart rather than the thoughts. We ask of our brothers, with confidence, not to abandon us to these blows of destiny, and that they share with us the cross of adversity. All species of succor will be accepted by us with thankful hearts, and the cantonal authorities will take care that the most suffering shall be the first to receive the benefits of your charities.

To the Swiss people, * * * so blessed by God, the desolate of the valley of the Tessin address their appeals and their prayers.

LUGANA, October 1, &c., &c., &c.

Subsequent information proves that this sad picture is not overwrought.

The governments, both federal and local, as also the people, are promptly and generally responding to the appeals of which this is but one. The President of the confederation, at the instance of the federal council, at once repaired to the scene of the disaster. The military engineers were immediately dispatched to superintend and direct the restoration and rebuilding of the highways, bridges, and dikes, in order to restore communications altogether suspended. Citizen committees have been organized in the remaining cantons for the purpose of visiting each house for assistance, and every possible means is put in requisition to relieve the sufferers and repair the otherwise heavy public damages. The disaster, however, has been so extended, and the number of people left at the threshold of winter, without shelter, clothes, and bread, has been too large to be more than scantily and partially repaired and relieved by the local contributions, however generous they may be.

I am not aware that appeals will be made to the Swiss, or others, resident abroad. Should such be addressed to the resident Swiss of the United States, I beg to state thus briefly, but officially, that no human foresight could have evaded this blow, and that this cry of distress appeals with equal force to the benevolent of our countrymen of whatever origin or nationality they may be.

With great respect, your obedient servant,

GEO. HARRINGTON.

HON. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Seward to Mr. Harrington.

No. 40.]

DEPARTMENT OF STATE,

Washington November 12, 1868.

Your dispatch of the 19th of October, No. 73, was duly received, together with its accompaniment, which is a copy of an appeal of the high federal council of Switzerland to their compatriots, both at home and abroad, on the occasion of the dreadful inundations which have desolated large and fertile districts of Switzerland. You will assure the President of the republic that the government and people of the United States are moved by profound sympathy for the people of Switzerland in this great calamity. I have taken pains to give due publicity to the appeal.

I am, sir, your obedient servant,

WILLIAM H. SEWARD,

GEORGE HARRINGTON, Esq., &c., &c., &c.

ARGENTINE REPUBLIC.

Mr. Asboth to Mr. Seaward.

No. 48.]

LEGATION OF THE UNITED STATES,
Buenos Ayres, October 19, 1867.

SIR: I had the consoling gratification to receive on the 4th of September ultimo your dispatch of May 27th, No. 36, in which you are pleased to honor me with a general approval of all the action taken by me in the offer of mediation for the termination of the Paraguayan war, and especially of my note addressed on the 10th of April to Señor de Elizalde, then minister of foreign affairs here, renewing the offer of mediation, with a request for its reconsideration. This approval I view as an additional proof of the kind forbearance with which my government judges my humble efforts to follow up the humane spirit of its instructions, and I beg leave to offer herewith to you, sir, and through you to the President of the United States, my most sincere thanks.

With the same mail I had also the honor to receive your dispatch No. 39, dated July 11th, wherein reference is made to a copy of a communication which was addressed to your department on the 9th of the same month, by Mr. B. Mitre y Vedia, chargé d'affaires of the Argentine Republic near the United States government, with special instructions for me to treat upon the subject presented by Mr. Mitre y Vedia here in Buenos Ayres, and to put into the hands of Señor de Elizalde a copy of your above alluded to dispatch No. 36, with the information that the said dispatch furnishes what you trust will be sufficient explanation of the view of the President concerning the matter brought to the attention of the United States government by Mr. Mitre y Vedia.

The copy of the note on which you instruct me to act not having been inclosed with your dispatch No. 39, I was obliged to postpone my action in the matter until the receipt of the missing document. As soon, however, as I had succeeded in securing an official copy of it, through the good offices of Señor Dr. Don Marcelino Ugarte, who has relieved Señor de Elizalde as minister of foreign affairs, and had thus ascertained the nature of Mr. Mitre y Vedia's note in question, which was nothing less than an official complaint against certain proceedings on the part of the American agents in the river Plate with regard to the offer made by the United States to mediate for the termination of the war waging between the allies and Paraguay, I hastened, in obedience to the instructions contained in your dispatch No. 39, to bring the subject before the Argentine government in an official note in the following terms:

No. 23.]

LEGATION OF THE UNITED STATES OF AMERICA,
Buenos Ayres, October 22, 1867.

SIR: I beg leave to inform your excellency that I have received from my government a communication which was addressed to the State Department at Washington on the 9th July ultimo, by Mr. B. Mitre y Vedia, chargé d'affaires of the Argentine Republic near the government of the United States of America. Introductory to this note, Mr. B. Mitre y Vedia says that, in accordance with instructions lately received, he intends to give in it some explanation relative to the conduct observed by the Argentine government on the mediation offered by the United States in the war with Para-

guay, and at the same time to call the attention of the State Department to certain proceedings on the part of the American agents in the river Plate, which not only deviate from the usages and practices that regulate diplomacy, but which also compromise the impartial spirit which it was undoubtedly the intention of his excellency the President of the United States to give to the proffered mediation.

Well aware of the fact that your excellency is in possession of a copy of Mr. B. Mitre y Vedia's note in question, I deem it superfluous to give here its full contents, but will refer only to that portion of it which complains of the steps taken officially by me, as representative of the United States near the Argentine government, in the offer of mediation. That portion is as follows, viz:

"The Argentine government, after consulting together on the subject of the mediation initiated on the 4th January ultimo by the President of the United States of America, at the request of the House of Representatives, and after discussing the matter with its allies, communicated to Mr. A. Asboth, minister resident of the United States in Buenos Ayres, together with its expressions of gratitude, its regret at being obliged, by powerful motives, to decline the good offices of his government.

"But Mr. Asboth, perhaps animated by a strong desire to see the hopes of his own government fulfilled, and thinking that the declaration of the Argentine government was not sufficient to conclude the question, renewed his offer in a note dated the 10th of April.

"This step, under different circumstances, might have appeared as a laudable excess of zeal to see the termination of a strife which has already cost so many and such painful sacrifices; but it has been taken in so extraordinary a manner that my government has thought it its duty not to let it pass unnoticed.

"The American minister, in the dispatch alluded to, does not limit himself, as was to have been hoped, to insisting on the acceptance of his government's good offices and to making evident the advantages of peace, but has thought it proper to enter into appreciations with regard to the war, to home politics, to the state of public opinion and of the finances of the country, which he ought to have supposed had been duly studied and taken into consideration by the Argentine government.

"The Argentine government thinks that the minister of the United States did not require, in order to carry out his noble desire, to review the situation of the country, painting it in such dark colors as he does in the above-mentioned note. Were so unusual a proceeding to be passed over in silence, it would imply that Mr. Asboth, notwithstanding his very short residence in this country, was a better judge of its condition and necessities than the government elected by the people, and whose duty it is to be cognizant of that very condition and provide for those very necessities.

"Even admitting that the Argentine government was in the wrong, it surely would not belong to the diplomatic agent of a foreign nation to call its attention to the fact; the most ardent desire to promote the happiness and welfare of the country near whose government he might be accredited would not justify such a proceeding."

Further on Mr. Mitre y Vedia continues:

"The Argentine government, while desiring me to submit these remarks to your excellency's enlightened consideration, does not for an instant doubt that they will be received as a proof of its ardent desire to preserve unaltered the close bonds of friendship and sympathy which unite it with the government of the United States. It therefore confidently hopes that the United States government, which has given such signal proofs of the interest by which it is animated in not permitting that its agents should go beyond their assigned sphere of duty, will be able to give full credit to the justice of these remarks."

Such are the complaints, relative to my humble self, contained in Mr. Mitre y Vedia's communication, laid before my government pursuant to instructions received from Señor de Elizalde, your excellency's distinguished predecessor in office; and the Secretary of State instructs me, in his before-mentioned dispatch, that, in reply, he advised Mr. Mitre y Vedia "that the subject which he had presented could be treated of more profitably in Buenos Ayres than in Washington, and that instructions would be given to me for that purpose."

Accordingly, I was authorized and directed to put into the hands of Señor de Elizalde, then minister for foreign affairs, a copy of a dispatch, marked No. 36, previously addressed to me from the State Department at Washington, and to inform him, at the same time, "that the said dispatch No. 36 furnishes what the Secretary of State trusts will be a sufficient explanation of the views of the President concerning the matter brought to the attention of the State Department by Mr. Mitre y Vedia."

I am further instructed by my chief, the honorable Secretary of State, to say to Mr. Elizalde "that it is difficult to conduct a correspondence of mediation between belligerents without inadvertently giving offense to one or other of the parties, and that, considering that every care has been taken by the United States government to avoid misapprehension, the Secretary of State begs to be excused from entering unnecessarily into collateral discussion."

In obedience to these instructions, I have now the honor to append a full copy of the

dispatch No. 36, with which I was honored by my government in reference to the note addressed by me on the 10th April ultimo, under No. 20, to Señor de Elizalde, requesting the reconsideration by the Argentine government of the mediation offered by the United States of America to the contending parties for the termination of the Parayan war and the restoration of peace in the countries washed by the river Plate and its tributaries, viz:

No. 36.]

"DEPARTMENT OF STATE, *Washington, May 27, 1867.*

"SIR: Your dispatches of April 10, No. 20, and of April 12, No. 21, have been duly received and submitted to the President, together with the important documents accompanying the same. From these papers the President has learned with profound regret that the Argentine Republic disallows the propositions made by the United States to the several belligerents for the termination of hostilities and the restoration of peace in the valley of the Parana and its tributaries. I have carefully read the note which you addressed to Mr. Elizalde, on receiving his announcement of the decision of his government. What you have written in that note is very discreetly expressed, and is in entire harmony with the views of this government, since its proceedings have been inspired by a sincere friendship to all the South American states, and an earnest solicitude for the restoration of peace and harmony on the American continent. Your note is therefore approved.

"At the same time I think it proper to remind you that earnestness for the restoration of peace is not to be carried to the extent of invading the sovereignty or the dignity of the belligerents. Whether they would accept our well-intentioned and friendly good offices was left to their own intelligent free choice. Nothing could be further from the President's purpose than an idea of imposing any constraint or bringing any material pressure to bear upon that choice.

"Under these circumstances you will not be expected to press with undue importunity, at the present time, the tender of the good offices of this government to the Argentine Republic, or to that of Uruguay. Retaining the same attitude, however, you will wait further instructions, unless some new and unforeseen conjuncture shall seem to render it likely that our good offices will then have become more acceptable.

"I am, sir, your obedient servant,

"WILLIAM H. SEWARD.

"ALEXANDER ASBOTH, Esq., *§c., §c., §c.*"

Having thus fulfilled the orders of my government, I beg leave to express to your excellency my deep regret that your distinguished predecessor in office should have thought it proper to complain to my government respecting a note of mine, which was dictated by the most sincere sympathies and best wishes for the vital interests of the Argentine Republic, and in reference to which the above dispatch of my chief, the honorable Secretary of State, says that all that I have written in it is very discreetly expressed, and is in entire harmony with the views of my government, since its proceedings have been inspired by a sincere friendship towards all the South American states, and an earnest solicitude for the restoration of peace on the American continent. Your excellency will appreciate the consoling gratification which I derived from so emphatic an approval by my government of all my action in the offer of mediation, and especially of my note complained of by Señor de Elizalde, the more so as the progress of events subsequent to my said note has fully demonstrated that all to which I therein alluded and referred relative to the internal affairs of the Argentine Republic was the true reflection of the sad reality.

In the confident belief and trust that, while your excellency continues to preside over the foreign affairs of the Argentine confederation, the representatives of a sister republic, the United States of America, will be spared similar misapprehensions, I seize the opportunity to renew to your excellency the assurance of the high consideration with which I have the honor to be your excellency's obedient servant,

A. ASBOTH.

His Excellency Dr. DON MARCELINO UGARTE,
Minister of Foreign Affairs.

It was my endeavor to bring this lengthy note in accord with the instructions received from your department on the subject, and I beg leave to assure you, in conclusion, of my most grateful appreciation of the generous manner in which you were pleased fully to vindicate before the Argentine government my official action in the mediation question, assailed in Mr. Mitre y Vedia's note addressed to your department on

the 9th July ultimo, pursuant to instructions received from Señor de Elizalde.

I have the honor to be, sir, very respectfully, your obedient servant,
-A. ASBOTH.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Asboth to Mr. Seward.

[Extract.]

No. 49.]

LEGATION OF THE UNITED STATES,
Buenos Ayres, November 10, 1867.

SIR: In connection with my report No. 47, dated 14th October last, I have the honor to inform you that the French war steamer *Decidée* returned on the 4th instant from Paraguay, with Mr. Laurent Cochelet, late French consul at Asuncion. Mr. Cochelet brought me two dispatches from our minister at Paraguay, addressed to your department, which I beg to forward herewith.

* * * * *

At the seat of war there prevailed, during the last fortnight, unusual activity. The several battles fought were of the most sanguinary nature, indicating, evidently, an increased hatred and revenge, leading to mutual extermination, which, if persisted in, must necessarily soon result, on the part of Paraguay, in those unmistakable signs of final exhaustion which become, in the natural course of events, the fate of the weaker part.

The Standard of to-day, in its review for Europe, gives, as far as I am able to judge, an impartially correct statement of these military events in Paraguay, as well as of the advices received from the disturbed interior Argentine provinces, which I beg to submit here in the following extracts, viz:

REVIEW FOR EUROPE.

The military events of the fortnight are of a most stirring nature. Several sanguinary battles have been fought; the allies have advanced and are still advancing. The lines around Humaita are being slowly but steadily tightened, and the cause of Lopez each day becomes more desperate. The full details of all these engagements will be found in another column. The losses on both sides have been severe, but the allies have not only invariably held their ground, but have, after each encounter, advanced still further into the enemy's country. We await advices per next steamer of a powerful division at present traversing the enemy's country. Possibly ere this the important town of Villa Rica, and even the capital itself, Asuncion, have been occupied by the allies. As it is known that all the male population of the unfortunate country is centred in Humaita and in the interior, the allies will have nothing to contend with save the natural character of the country. The occupation of Asuncion will, doubtless, have a great moral effect on the Paraguayan people, and, unless Lopez is much stronger than is generally supposed, will lead to a prompt conclusion of this prolonged campaign. The last fight at Tuyuti was probably the most sanguinary since the war began. The Paraguayans fell upon Porto Alegre's encampment without the slightest warning. The surprise could hardly be more complete, and had the Paraguayan commander been able to restrain his men, the Brazilian position must have been inevitably lost; but the Paraguayans getting into the rear obtained possession of all the sutler's stores, army contractor's deposits, and the pillage was fearful. Porto Alegre, the Brazilian commander, who had been beaten back in the morning, with the eye of an experienced officer saw that the moment had arrived when he might strike the decisive blow and regain the day, and General Paranhos having come up with some reinforcements, they charged the enemy, who, completely disorganized by the pillage and plunder going on in the

tents, could offer but a faint resistance. Paraguayans were cut down in the very tents which they had captured, and the day gained by the heroic Porto Alegre. Since this terrible fight we have received no new advices from Paraguay. Marshall Caxias has at last outflanked Humaita, and by holding Tayi, a commanding position on the river Tayi, cut off Lopez from Asuncion and the interior of Paraguay. On the same day that the terrible battle at Tuyuti took place, another sanguinary engagement occurred. The Paraguayans, landing from three steamers, attempted to take the place by storm, but they were repulsed with great loss and the steamers sunk.

Such constant fighting indicates that at last the campaign is drawing to a close, and from the position of the belligerents we feel justified in assuring our foreign readers that there is every probability peace will be restored in the Plate about the commencement of the new year.

Our advices from the Argentine provinces are a little more favorable; the rebels in Salta have been again defeated, and their leader is said to be prisoner. The mooted invasion from Chili has proved destitute of the slightest authenticity, and there can be little doubt on the conclusion of the Paraguayan war the provinces will acquire a more favorable aspect. Santa Fé is probably the only one of the provinces which shows signs of progress and vitality. Rosario is fast becoming the great centre of Argentine trade. The streets are being well paved, and will shortly be lighted with gas, the agent of the new company being at present in England purchasing the pipes and other material. A new line of railway is projected and being surveyed from Rosario to the Esperanza colony. This road will be private property, built by Sr. Cabal. Several important sales of real estate have been made during the month, but mostly city property. The speculation in building sites has considerably fallen off of late since the general impression is that Rosario will not be the future capital of the republic, and should Dr. Adolfo Alsina, the governor of Buenos Ayres, be elected president, which is every way probable, Buenos Ayres will, doubtless, remain the capital of the republic. The provisional chambers were formally closed last week, the legal period of the session having elapsed, but the governor has reassembled the legislators to dispatch some railway and other schemes of much importance.

THE WAR IN THE NORTH—SINBAD'S ACCOUNT OF THE LATE BATTLE.

CORRIENTES, November 5.

GENTLEMEN: I left Itapiru on the 1st instant, in order to be in time for the mail. On the 29th a formal fight took place at Potrero Obello, situated on the coast of the river Paraguay, between Pilar and Humaita. Mena Barreto, at the head of five thousand men of all arms, attacked and put to rout a superior force of Paraguayans. The published Brazilian account of the enemy's loss is seventy killed and thirty prisoners; the Brazilians own a loss of three hundred and two *hors de combat*. On the 2d instant a strong Brazilian force, under the same command, took possession of Tayi, routing ten battalions of the enemy protected by three steamers, which were sunk, their crews taken prisoners or drowned; one hundred and sixty are the reported numbers of the captives, and as many more killed or drowned. The allied statement of their loss is *muy pocas*. On the 3d a deplorable calamity befel the allies at Tuyuti. Early in the morning of that day a convoy was to have left the encampment for Tuyu-Cue, escorted by four battalions of Brazilian troops. The draught cattle were at hand, ready to be yoked; the escort was also prepared to move, waiting the order to march with the carts, when a great noise was heard in the encampment from numberless voices, such as *gauchos* are wont to make when driving a herd of cattle. Those who shouted were supposed to be conductors of a drove meant for the supply of the army, (this was in the gray of the morning;) the true character of the imagined drovers was not discovered until they had passed the lines and got within the intrenchments, when they were found to be many battalions of Paraguayan infantry and cavalry, who at once commenced a furious assault. The four battalions that were to have been the escort were the only troops ready at the moment to make resistance, which they stoutly but ineffectually did, with great slaughter. The enemy soon became master of the Tuyuti camp, (supposed to have a garrison of ten thousand men,) and doing a murderous work, killing without mercy, pillaging and firing everything that could burn. The sutlers' shanties after being sacked, the Argentine parque, hospital, and commissariat, the large depot of Mr. Lanuz, (who has suffered severely,) the convoy of loaded carts—in fine, I have said, all that would burn were committed to the flames. The Paraguayans for a time did pretty much as they liked, owing to a general panic throughout the encampment. The fire and fight continued until 9 a. m., when the approach of a column, under the command of Osorio, made it advisable for the Paraguayans to retreat, which they did, carrying away, some accounts state, from two to twelve pieces of artillery; other reports make the number of guns carried off to be twenty-eight, as well as a number of prisoners. Mr. Vigari, the purser of the *Pingo*, was at the camp in three hours after the enemy retreated; he estimated the number, (made at a cursory view,) he said, to be one thousand five hun-

dred. The road going from Tuyuti to Itapiru was filled with Brazilian soldiers, fugitives, who threw away their guns and knapsacks to facilitate their flight; they never halted in their race till they reached the shipping. Hundreds of these were subsequently collected and sent back to Tuyuti. What else might be expected from new recruits, slaves fresh from plantations, many of whom would as soon be shot at as to fire a musket themselves? The number of Paraguayans killed are much more than those of the allies, owing to their conduct while sacking, by getting helplessly drunk, thus made incapable in the retreat to keep pace with their comrades. When the panic was over, little mercy was shown to the inebriated assailants. Among the wounded officers brought here is Major Tobson, who had his arm badly shattered, which has since been amputated.

The routed sutlers from Tuyuti complain of the Brazilian soldiers making a final finish of such goods as the Paraguayans or the flames had spared. Bad stories are told of the Paraguayan legion in the allied service. At the time of the surprise they were posted at an advanced point; it is reported that, instead of giving notice of the enemy's coming, most of them joined their countrymen. Some Correntino troops are also reported to have behaved in a like manner. Nothing more is said for the present of the cholera—a proof that it has passed away. There have been two arrivals of hay. A Brazilian transport with a contingent passed upward yesterday. The river is rapidly rising.

Yours, truly,

SINBAD.

We refer our readers to our friend Sinbad's version of the Tuyuti victory. With all the different accounts before us it is difficult to arrive at the truth in regard either to the object or result of the late vigorous attack of Paraguayans. But the prominent facts are that there are grave suspicions of treachery in the allied outposts; that Lopez's attack meant more perhaps than a raid on the stores of the allies; but to the fact of the Paraguayans stumbling on the liquors they owe their own defeat. The Brazilian officers, particularly Paranhos, Mattos, and Andrade, appear to have behaved like heroes.

The Argentine and Correntino cavalry, under General Hornos, contributed nobly to the final retreat of the enemy, and Hornos was made brigadier on the spot by General Mitre. The loss in men to Lopez, if not amounting to two thousand five hundred as reported, must have been sufficiently severe in his present circumstances, and probably the main object of the attack was frustrated; which was to prepare a more serious attempt on Tuyu-Cue.

For further particulars, I beg respectfully to refer to my inclosed daily memoranda of political events on the river Plate, marked D.

The fate threatening at the present crisis the unfortunate country and people of Paraguay is certainly of the most melancholy nature. Paraguay would seem to be morally, politically, and materially on the verge of ruin and bereft of all hope of any friendly powers being able to save it from the horrors of the wildest anarchy.

In case Lopez should lose Asuncion, this capital would no doubt be destroyed by himself or by his orders, it being his determined policy to leave nothing but ruins in the hands of the allies. In such an emergency not only would all property in the capital be lost, but the lives of the inhabitants, especially of foreigners, would be seriously endangered—exposed as they would be either to the fury of the retreating Paraguayan bands of the interior, who consider all foreigners the enemies and invaders of their country, or to the bayonets of the Brazilian soldiers, who for the most part just emerging from slavery, if once in power, could hardly be restrained from robbery and butchery.

The interior of Paraguay would not, and, desolated as it must be, could not afford any support to Lopez after his prestige had gone with his defeat, neither would it be any safe shelter to the hated fugitive foreigners.

Under these circumstances the foreigners in Paraguay can look only to their respective governments for protection, and it would be very desirable that the war steamers of all the foreign powers represented here, in Buenos Ayres, should afford such protection to their distressed countrymen in that country.

I had the honor respectfully to request in my report No. 29, under date June 17th, 1867, that a warsteamer be temporarily placed at my disposal with reference to the present complications in Paraguay, and should this request be granted I should at the present emergency feel bound in duty to station it near the blockading squadron, with the view to join the first Brazilian ship of war up to Asuncion, and to give full protection to our minister and fellow-citizens there, as well as, in the interests of humanity, to any other foreigner whose life and property were jeopardized in the only too probable sway of anarchy.

I have the honor to be, sir, very respectfully, your obedient servant,
A. ASBOTH.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

DAILY MEMORANDA OF POLITICAL EVENTS IN THE RIVER PLATA, FROM
OCTOBER 13 TO NOVEMBER 9, 1867.

October 13.—The Tribuna of to-day says:

"The extracts from a correspondence of the *Semanario* we publish in another column show that in Lopez's own ranks there is a prevalent conviction of the speedy termination of the war. Although this correspondent expects it will be brought about by a victory of our enemy's arms, it is easy to perceive that these are only consolatory words, indicating the last flicker of the light that is going out."

October 14.—According to the budget of the Argentine finance minister a sum of 1,000,000 hard dollars has been voted for public works, and \$500,000 for contingent expenses.

A Brazilian steamer has arrived at Montevideo laden with arms and ammunition for the forces in Paraguay.

October 15.—The *Diario*, the official organ in Rio Janeiro, formally contradicts the statement that Colonel Fonseca was the bearer of the proposals of peace, consequent upon the attempted mediation of Mr. Gould, the British secretary of legation.

The Tribuna of to-day devotes several of its columns to the publication of documents connected with the proposed extension to Mendoza of the present Western railway, which now only reaches a place called Chirileoy, about thirty leagues from Buenos Ayres, and eventually across the Cordillera of the Andes by the Planchon Pass to the Pacific coast. The idea of connecting the interior provinces to the littoral by means of a railway has been lately seriously entertained, but some people wish it to be a prolongation of the Central Argentine from Villanueva, whilst others are anxious that it should be a continuation of the Buenos Ayres Western railway. The Buenos Ayres provincial government, jealous of the influence and importance Rosario would acquire if the former project were carried out, are straining every nerve in support of the latter project, and are ready to subscribe a considerable part of the capital necessary for an undertaking that will connect this city by a direct line of railway with the interior provinces, and eventually with Chili.

October 16.—The *Espigador*, arrived yesterday, brought dates from the seat of war to the 11th instant. A partial encounter between the Brazilian vanguard and a body of Paraguayan cavalry took place on the 4th, in which the latter were repulsed. Cholera is making fearful ravages in both camps, and up to the 11th there had been among the Argentine forces three hundred cases of cholera, of which one hundred had proved fatal. General Dominguez, Colonel Artiz, and other officers, had fallen victims to the epidemic. The disease is likely to be aggravated by the reported refusal of Lopez to allow the dead bodies on the field of the late encounter to be buried, and to grant an armistice for that humane purpose. The following extracts from the *Standard's* correspondent at the seat of war give fuller details of the last action, and also of the ravages of cholera:

"ITAPIRU, October 11, 1867.

"GENTLEMEN: On the 4th a partial fight took place between Arroyo Hondo and Huaita. About six regiments of Paraguayan cavalry issued from their intrenchments evidently for the purpose of pasturing their horses, which are in a miserable condition. They were not, however, allowed to continue this peaceful operation.

"The Brazilian vanguard, under Rivas, divided in two bodies; one proceeded to attack them, whilst the other remained in ambush. The attacking party made a sham retreat, drawing out the Paraguayans, who closely followed the supposed flying enemy until they came beyond the troops in ambush. The latter sallying out completely routed

them, and pursued them to the trenches of Humaita, killing six hundred and taking two hundred prisoners. The allied loss is officially stated to be one hundred killed and wounded. The customary cannonade was kept up in the direction of Carupaí during the night with redoubled fury, the Paraguayans doubtless smarting from their recent defeat.

"October 9.—The cholera in a malignant form is making fearful havoc in Tuyuti; it entered first into the battalion of Pipo, (known as the foreign legion,) where it remained fixed for a few days, it then spread to the rest of the first corps d'armée with much virulence. Three days ago it commenced with great violence in the second corps, which had until then been exempt, causing very great loss in officers (among their numbers are Dominguez, Benites, and a long list of others) and men. In the first corps yesterday's account says that it is somewhat diminishing, but continues gaining force in the second. The Brazilians also have it diffusely spreading on all sides. It is known to be making ravages in the Paraguayan camp; it is supposed that from thence the contagion was communicated to Tuyuti. Persons well qualified to judge are of an unanimous opinion that a few days or perhaps hours to come the pestilence will be doing its work of destruction here. What else might be expected from a miscellaneous population, composed of military, inmates of hospitals, boatmen, sutlers, peons, or dissolute women, the greater part of whom have always been accustomed to live among dirt, eating lean tired meat or any trash, drinking impure water, sleeping in damp places surrounded by puddles of mud, and yet feel no inconvenience from this method of living."

The following Paraguayan version of the fall of Pilar seems sufficiently interesting to merit insertion:

"THE FALL OF PILAR—PARAGUAYAN VERSION."

"CAMP OF PASO PUCU, September 21, 1867.

"We understand that numbers of vessels are lying off the mouth of the river awaiting the arrangement of peace to bring their valuable cargoes; but the most important item on this head is that after Mr. Gould's visit to the enemy the Marquis Caxais dispatched his chief of staff to Rio in the swiftest boat, the San Paulo, with instructions to proceed direct without touching at any port and return within twenty-two days. This gave rise to the report in Corrientes that the San Paulo was bearer of peace propositions, and that the war was terminated. As I do not know how far true this may be, I confine myself to the simple rumors current here since the arrival of the English gunboat Doterel, in search of Mr. Secretary Gould, then our guest. Without questioning the authenticity of these rumors, which probably emanate from the desires of the enemy and the kind offices of a disinterested friend, I may be permitted to express my private conviction that no peace can be arrived at before some great and decisive feat of arms has taken place; in other words, notwithstanding the sentiment of the belligerents and the good will of our mutual friends, 'peace just now is very improbable,' for our haughty enemy, not yet brought to a full sense of his impotency, will always be throwing some ambitious hints in the way, thus rendering the conditions quite unacceptable to a noble, patriotic people.

"The latest deserters to us report the enemy suffering frightfully from hunger. Our victorious legions have cut off the supplies, and so hard pushed are the Brazilians now that dried hides are sparingly distributed among them as rations. This stupid predicament it was which impelled them to make the most hopeless movement of the 19th. At daybreak on that auspicious day we observed a strong body of horse advance from San Solano toward the Arroyo Hondo. It was in reality nothing more than a foraging raid, an oft-repeated attempt to cut off our supplies. Not succeeding, they pushed on to Pilar, which they attacked the same evening, but were driven off with great slaughter; but if unable for us in arms they are our superiors in limbs; otherwise many more must have fallen in the retreat; as it was, the most our victors could lay hold of were the disregarded clothes, weapons, &c., &c.

"This slight action, in displaying the cowardice of the enemy and the certain triumph of determined valor, ought to have inspired our men against any odds. Unfortunately it had a different effect. The brave garrison, while regaling themselves after victory, made but little allowance for the pangs of hunger on the half-starved imperialists.

"With the morning the enemy returned to the charge, and quickly wrested victory from the disordered ranks of the defenders. They were not destined to enjoy long the fruits of victory. Commander Saturnino Garcia, coming up in the Birabebe, opened fire on the enemy, and compelled them to evacuate the town. At first the Brazilians manifested a decided disinclination to stir until the valiant Garcia landed, at the head of fifty marines, and charged the hostile masses then engaged pillaging. The gunboat meantime kept up a brisk fire, one shell bursting into the Brazilian general's coach. At sight of this the streets became suddenly cleared of the marauders, except such as had already fallen victims to their valor; but the real difficulty was to root them out

of the houses, where they had stowed themselves in every hole and corner, to escape the fall of their comrades below.

"Lieutenant Galon has behaved well, and merits the decorations with which our Marshal President has been pleased to requite him. To his determination and valor the country owes this glorious victory, the inhabitants their property, and the enemy a memorable defeat. While I write, the enemy are scouring the country some leagues off. I would not give them much for their chance of getting anything in those sterile wastes; and after all the loss of men, horses, and honor, they will return as hungry as they came.

"Marshal Lopez's plan has been supremely strategic, for, by surrounding the enemy with our trenches, there is no way left for him but to march through boundless deserts, or, by remaining as he is, to be decimated by our guns or disease. Such is the history of the whole campaign, and with the failure of the exploring expedition we may hope the allied commanders will change the tactics, and by trying their fortune in our trenches give us an opportunity of creating in our country's history another day like that of Curupaity."

October 17.—The mail from Rosario yesterday brought news that the alarm about cholera has led to sanitary regulations, special committees having been named and every precautionary measure possible adopted.

In Montevideo, also, urgent steps have been taken by the municipal board to protect the city against the possible approach of cholera. In Buenos Ayres alone nothing has been done, and the press clamors loudly for all vessels coming from the seat of war to be placed in quarantine.

October 18.—The provincial senate of Buenos Ayres has passed the bill for the Mendoza railway, in prolongation of the Buenos Ayres western railway. By this bill it is proposed to raise the funds necessary for this great undertaking by the emission of six per cent. provincial bonds at seventy-five. The bill goes now before the deputies, where it is rumored the measure is likely to meet with some opposition.

The Standard of to-day says:

"The steady arrival of Brazilian transports in Montevideo, with reinforcements for the army, shows that the Rio cabinet is straining every nerve to carry on the war with redoubled vigor. Within the last four days four transports have arrived."

October 19.—There is no further news from the seat of war, but the Standard has the following relative to a new difficulty which the Paraguayans have to contend against, viz: want of salt:

"Our own advices from Paraguay are of a character which inspires a conviction in the immediate termination of war. The great want in Paraguay is salt. Some of the English doctors in Paraguay have now a splendid opportunity of gathering the most interesting data in this respect. Salt seems to be as necessary to life as air; disease and sickness defeat all skill, owing to the primary want of salt. Extraordinary diseases are said to exist in Paraguay, owing to the want of salt."

From the time that the national government withdrew its subsidy from the Nacion Argentina, which at once began a series of attacks on the private life of Vice-President Paz, a fierce polemic has been raging between that paper and the Tribuna. On this subject the Standard makes the following remarks:

"The wars of the roses were nothing in comparison to the tremendous battle between the Tribuna and Nacion. Few of our readers take any interest in such intensely political subjects; in fact, none but a native would understand them. The gist of the question is to make out Don Marcos Paz the head rebel in the republic. The Nacion has each day powerful articles and fiery leaders, impeaching the vice-president. The Tribuna takes up cudgels for the government and replies. Each day the attack and rejoinder are becoming more and more acrimonious. The Americans have a very apt expression for such matters—'fighting for spoils.' The only possible result for such a polemic is the disclosure of much scandal which, for many reasons, it is desirable to avoid."

The same paper publishes in its to-day's number the following relative to the rebel movements in Salta:

"REBEL MOVEMENTS IN SALTA.

"SALTA, September 15.

"The traitors, Varela and Elizondo, are sacking the country in all directions. Nothing escapes the lawless marauders. Everything portable is swept off to the Chilian markets, and such as cannot be conveniently moved are destroyed on the spot. We live in a perfect chaos; but what else can be expected, when the place is entirely in the hands of banditti? The inhabitants are powerless, and the government takes no steps to prevent the depredations; so that Varela, with a dozen men, may at any moment take the capital, and then God help the unfortunate citizens, the most resolute of whom have long since learned the utter futility of attempting any resistance.

"About the middle of August we heard of the arrival of Varela, and the government

at once dispatched a force under Don Pepe Frias to confront him. This gentleman spoke in such a pompous manner of whipping the rebels, even did they muster double their actual strength, that our authorities were content to trust all to his honor, without taking any measures for possible emergencies. On the 31st ultimo we received intelligence that a party of three hundred montoneros, under Elizondo, had routed a corps of seven hundred, led by the redoubtable Frias. The disgrace of the defeat was heightened by the shameful nature of the fight. On the approach of the enemy Frias displayed the most cowardly indecision, neither forming to receive or attack; the men were impatient to meet the foe, but Frias assured them 'twas no use, as odds were too heavy against them, and that their only chance lay in flight. Some add that he was bribed to this. Certain it is that he returned to this city without his corps, and endeavored to raise another; but as we had already lost seven hundred men, with a large quantity of arms and ammunition, the authorities did not like to trust themselves again to Mr. Frias; so seizing all the fighting materials they could lay their hands on, they enrolled all the men, about four hundred in number, and marched off for Tucuman—governor, ministers, (with their families and treasurer,) and all, leaving only women and children in the town. In this way we awaited for their return with Tucumanos, but they are not forthcoming, and there is nothing for it but that the women and infirm left shall perch themselves on the house-tops, and assail the rebels when they come, with broken bottles, stones, boiling water and oil."

October 20.—In noticing the attacks made upon Dr. Rawson, minister of the interior, by the press of Buenos Ayres, which, while criticising his public acts, have outstepped the limits of fair discussion by imputing to him interested motives, the Standard of to-day says:

"Although we make it our general rule to abstain as much as possible from taking any part in local politics, we cannot avoid noticing with sincere regret the very unbecoming manner in which the leading organs of the Liberal press here treat our distinguished minister, Dr. Rawson. We must emphatically deprecate the disparaging insinuations touching the private motives of a gentleman who is not only devoting his time and energies to the service of his country, but whose character has ever enjoyed a spotless reputation. Dr. Rawson's chief fault in the eyes of his countrymen is his pedigree, and this alone would entitle him to a prior claim on our support; but, independently from this, we can assure him that whilst we are ever fearless in denouncing abuses, we also pride ourselves in being foremost in doing justice where justice is due, and that in the name of our country we shall ever be too glad to bear our testimony to his liberal and enlightened policy, which entitles him to the rank of one of the most distinguished and disinterested of Argentine statesmen."

October 21.—The Cisne and Rosa steamers, from Corrientes, have been placed under sanitary surveillance for three days, and only the mails brought by them, after being duly fumigated, have been allowed to be landed.

October 22.—The news from the seat of war is of no great importance. Cholera had diminished in the Argentine camp, but was still prevalent among the Brazilians.

The national government has ordered the formation of two lazarettos, with their proper staff of medical attendants, &c.: one in the island of Martin Garcia, and the other at the Tigre, the terminus of the northern railway on one of the channels of the Parana River.

The documents connected with the resignation of General Martinez of the post of minister of war are published to-day. It appears that the general addressed a letter to the vice-president from Rosario, dated 24th of September, shortly after his liberation from the hands of the rebels in Cordova, tendering his resignation, which was not attended to. On his arrival in Buenos Ayres he addressed a second note to the vice-president, under date of the 9th instant, insisting upon his previously announced determination to resign. The vice-president, after having ineffectually endeavored to induce him to alter his mind, was obliged to accept the general's resignation. In the note which Minister Rawson addresses, under date of the 19th instant, to General Martinez, informing him that his resignation has been accepted, he expresses the lively regret of the vice-president at the loss of his services, for which he tenders to the general the best thanks of government.

Señor Don José Maria Moreno, the present under-secretary for the war department, who has been acting minister during General Martinez's protracted absence, has been offered the vacant portfolio, which he, however, is said to have preemptorily refused.

October 23.—The steamer Wasiman has arrived in Montevideo, having on board a locomotive engine and other railway materials, destined for a railway which the Brazilians are about to construct between Tuyuti and Tuyu-Cué, in Paraguay.

October 24.—The Provender arrived yesterday from Corrientes; brings no news of interest from the seat of war, save that the cholera appears to be greatly on the decline. It was rumored that an important movement was about to be made by the allies on Tayi, an important position on the river Paraguay, above Humaita.

The following correspondence, translated from the Republica, contains some interesting information relative to the Brazilian iron-clads:

"LETTERS FROM THE SEAT OF WAR—THE IRON-CLADS—HUMAITA.

"On the 9th I started from Tuyu-Cué, and on the morning of the 10th I arrived at Tuyuti; from there I went to the Paso de la Patria, and embarked at 1 o'clock in the afternoon for the island of Avisto. Then I put myself on board a small steamer which took me to the Princess de Joinville, bearing the flag of Commodore Elisario de Santos, who had the politeness to place at my disposal a steam launch, which carried me to the Chaco by the river Quio. At the expiration of one hour I found myself landed at the port of Quio, where Admiral Joaquín José Ignacio has established a depot of provisions and munitions of war. From the port of Quio I rode to Elisario, on the Paraguay. The distance between these ports is about six miles. At Elisario is stationed the second division of iron-clads, under the command of Commodore Albin. Thence to Humaita the distance is about one league. At 4 o'clock in the afternoon I went in the steam tender Lindoya to the Colombo, which is stationed between the first and second divisions of the fleet. At 4.30 we anchored alongside of the Brazil, which I boarded to pay my respects to the admiral.

"Admiral Ignacio appears to me to be about sixty years of age. He is of low stature, and has all the rough but frank characteristics of an old salt. The admiral did all in his power to facilitate the object of my mission, which was to make a nearer examination of the fortress, whose name is now so famous. The first division of iron-clads is anchored about three hundred yards from the London battery, which is the first that presents itself after rounding the elbow of the river. The iron-clad Bahia is stationed about two hundred and thirty yards from the same battery, which is rectangular in shape, and has eight casemated embrasures on each side. The Bahia is under the enemy's fire. The Lynch battery crosses its fire with the sixteen guns of the London battery in the first bend of the channel. The water being low, a sand bank is visible in the middle of the river in front of the batteries, and we can discover three recently made roads leading to the river from behind the Lynch battery. Any vessel attempting to force a passage would have to sail within ten yards of the Paraguayan batteries, receiving on the beam the fire of the eight guns of the London battery parallel to the river, whilst ahead she would be exposed to the fire of the Lynch and three other batteries to the north, and to the horizontal fire of the London battery from astern; and not only that, for if she touched the chain laid obliquely across the river she would swing on to the bank with the current, and remain a helpless target for the enemy's artillery. The channel of Humaita is now so low that all the pilots are agreed that the iron-clad Brazil from the breadth of beam would be unable to maneuver or obey her helm with sufficient rapidity to get through a pass not more at this moment than forty rods wide. The channel is not only obstructed by sunken ships, but to the naked eye there is distinctly visible a whole line of torpedoes. The squadron is daily employed, it is true, in fishing them up, but this does not much diminish the danger. Your readers may have often asked, why do they not cut the chain? A few words will convince them of the impossibility of doing so at a spot upon which the seven batteries of Humaita converge, and watched, moreover, by a guard on the Chaco. The Chaco is swampy, and the whole extent of its banks, with the exception of the place where the guard is stationed, is protected by the guns of Humaita. To attempt to capture the guard and cut the chains with boats' crews, under the fire of the batteries, is simply an impossibility. The vessels in the vanguard have fired at the obstruction with cannon, but as it contains no wood-work the balls glance off and harmlessly bury themselves in the river or the mud banks.

"For a long time past men competent in the art of war, and distinguished naval men of all nations, have been of opinion that the fortress of Humaita was impregnable. It is thus unjust to accuse the Brazilian iron-clad squadron of failing in its duties, for, on the contrary, it is little less than rash to expose the Bahia within pistol-shot, as she now is, of the enemy's fortress.

"As for the effects of the bombardment from the squadron, it is known positively that it has caused considerable injury and losses to the enemy. On the 12th instant the squadron bombarded Humaita, and the division abreast of Curuzú directed its fires on the headquarters at Paso Pucu, where, upon the same day, there happened to be on a visit Messrs. De Couverville and De Libertad.

"REPUBLICA."

The annexed extract, translated from the Comercio del Parana, an Entre Riano newspaper, leads one to believe that the allies cannot boast much of their reputed victories over the Paraguayans:

"I am quite certain you have all heard of the grand victories we have obtained in the last few days. Oh, what victories! Precisely like all the rest we have obtained upon the present, costing as dear as that of the 24th September, and the taking of Pilar, the former of which cost the Brazilians some twenty-five hundred men, and the latter not much less. A friend who writes to me from Tuyuti says: 'I was present at that

massacre, for I can call it nothing else. The engagement was brought about by the Paraguayans endeavoring to rescue forty-four prisoners taken at Pilar. A regiment of allied cavalry in attacking the enemy fell into a pantano or swamp, their ammunition got wet, and the whole of them remained at the mercy of the foe.

"In Tuyuti there exists the most frightful misery among the Brazilians, who are, as you may probably have heard, the best cared for. I do not exaggerate in telling you that not only are they reduced to begging from the shopkeepers in the camp, but from the passers by. It seems that our respectable allies, the gentry of the Chaco, are reappearing on the scene. Three days ago I met a party of them, Guaicurus. It consisted of a lieutenant, armed with a saber, two sergeants, with muskets, and five rank and file, with long knives. I had the curiosity to ask the chief where he was going, and with indescribable coolness, he answered, 'to Humaita.' Great hopes we must have of reducing the fortress with such contingents.

"Notwithstanding the unfavorable result of the first negotiations for peace, there are many who believe that the negotiations will be resumed."

The Standard to day gives the accompanying item of news from the seat of war. The scarcity of meat, both in the allied and Paraguayan camp, seems to be a fact beyond doubt:

"By a private letter from the army we learn that, owing to the prevalence of cholera, coffee and caña are now given to the Brazilian soldiers. The meat is so poor that officers and men, for the most part, live on biscuits, rice, and farina. The Brazilian hospitals are well cared for, and upon a splendid footing. The allied strength in Tuyuti is twelve thousand Brazilians and two thousand Argentines, including the Paraguayan legion."

October 25.—The last news received from the provinces respecting Juan Saa is of a less alarming character. It appears that this celebrated rebel leader has found no support and little sympathy in Bolivia, and well-informed parties give the assurance that the Argentine republic has nothing to fear from Bolivia.

General Paunero, who applied some time ago and obtained leave from the government to absent himself from his command, and come to Buenos Ayres on account of a family affliction, but would not avail himself of it until affairs in the interior were in a more settled state, is now preparing to return, and it is rumored that he is likely to be appointed to the vacant post of minister of war.

The following extract from the Standard, giving the number of vessels aground in the Parana River, proves the difficulties in navigating its waters:

"*Vessels aground in the Parana—17th.*—A Brazilian gunboat, with some troops on board, was aground some fifteen leagues below Corrientes, cargo trimmed to port to assist to get her off.

"*18th.* There are a great many vessels aground below Goya. American bark T. C. Cushing, Captain Rogers, laden with horses, is aground below Yaquarite, on the left bank of the river.

"*19th.* The British bark Quickstep and British brig Adelaide were at anchor at La Paz, having no water to pass the shallows.

"*20th.* An Italian gunboat under sail was passed, just above Rosario, proceeding down the river.

"*21st.* British brig Albion, of Liverpool, was at the Boca Guarzu, bound for Liverpool; British three-masted schooner, E. Shun, was at anchor on the bar below Martín García.

There are about thirty sailing vessels aground or at anchor waiting for water between La Paz and Goya."

October 26.—The question of the future presidency of the Argentine Republic is every day more and more engaging the attention of the public. The local papers both in this city and in the rest of the confederation devote a great deal of their space to this important subject. The Tribuna, which is undoubtedly the most influential organ of the River Plata press, has boldly proclaimed Señor Sarmiento as its candidate, whilst the Nación Argentina attacks this candidate without openly proposing any other, although it is well known that it is determined to support Señor Elizalde's pretensions. The press of Entre Rios, as was to have been expected, is unanimous in writing in favor of General Urquiza, as the fittest candidate for the presidency. Besides these there are other names that have been mentioned as likely to be brought forward as competitors for the highest magistracy in the republic, such as Señor Alsina, governor of Buenos Ayres, Señor Velez Sarsfield, Dr. Rawson, General Taboada, and others. Of these, however, only the first is believed to have any chance of success. Indeed, it has been asserted and very currently repeated that the Tribuna is only using the name of Señor Sarmiento as a mask, and that its candidate in reality is Governor Alsina. Nothing, however, has appeared that could substantiate this assertion. On the contrary, the Tribuna evinces every day more zeal in defending Señor Sarmiento's cause. In its number of yesterday, it published a letter addressed to its editor by Colonel Mansilla from the allied camp, a translation of which is given below. Colonel Mansilla, although a nephew of the celebrated dictator Rosas, is an influential member of the liberal party, and has succeeded in establishing for him-

self a high reputation, not only as a brave soldier and good officer, but also as an accomplished writer. His advocating, therefore, so warmly Señor Sarmiento's nomination cannot fail to have considerable weight; and the statement he moreover makes that Sarmiento is the favorable candidate in the army, if true, is of considerable significance. Colonel Mansilla's letter to the editor of the *Tribuna* is as follows:

"CAMP TUYU-CUÉ, October 20, 1867.

"You are aware, ever since I was in Buenos Ayres, that my candidate for the future presidency of the republic is the same as the *Tribuna's*—Sarmiento. For the honor and glory of our country the man whom I pointed out as the ideal candidate, when we talked over the subject, is becoming every day more a possible, a real candidate. I, who do not insult you by harboring the supposition that you advocate this candidate insincerely, and who, in my sphere, and within the compass of my limited resources, am working for it and anxious for its success by means analogous to the end and to the principles it symbolizes, am happy to inform you that our candidate can rely upon the support and sympathy of many of our most notable officers in the army, who are all individually ready to work for him.

"By and by, I will write to you more at length on this subject. In the meantime, I am anxious that this letter should be published.

"Yours, truly,

"L. V. MANSILLA."

October 27.—A fraud involving the loss to government of the rather large sum of seven millions of paper dollars (\$280,000) has been discovered in the custom-house here. The authors appear to have been one or two employés of the custom-house in league with several clerks of different commercial houses of high standing and respectability in this city. The matter is under judicial investigation, but the guilty parties are said to have escaped before their evil doings were discovered.

The news brought by the last mail from the interior provinces shows that tranquility is far from having been restored. The *Tribuna* publishes a letter dated Santiago, 15th instant, announcing that official intelligence had just been received of the rebel chief Varela having attacked the town of Salta and taken it after a short resistance. Although General Navarro hurried up with a respectable force and obliged the rebels to abandon the city only a few hours afterwards, Varela and his men committed unheard-of excesses in the few hours they remained in Salta, murdering and pillaging its inhabitants and carrying off an enormous booty.

Just before the mail steamer left Rosario news arrived that Governor Luque of Cordova had resigned his post.

The Banda Oriental seems also to be on the eve of new troubles. The papers report that a certain Colonel Aparicio, one of the principal leaders of the Blanco party, has crossed from Entre Rios to the left margin of the Uruguay, somewhere between Paysanda and Salta, accompanied by a few followers, with the avowed intention of raising the standard of revolt against General Flores's government. It is also reported that General Urquiza and the Entre Rios government have endeavored to frustrate Colonel Aparicio's expedition, and given timely warning of it to the authorities of Paysanda.

October 28.—The news of Colonel Aparicio's intended invasion of the Banda Oriental, communicated from here by telegraph to Montevideo, has caused there considerable excitement. It is, however, believed that the move is an isolated attempt, which, if discountenanced by General Urquiza, will be easily put down.

October 29.—The regular steamer from Corrientes, due yesterday, did not arrive, and there is in consequence a dearth of news to-day.

The Standard has the following in regard to Colonel Aparicio:

"Yesterday we heard that Aparicio is one of the greatest Blanco Caudillos of the day. He it was who, when Flores entered Montevideo in 1865, made a great raid into Rio Grande, carried off prisoners of war, and liberated slaves by the hundred. Respecting his pedigree there is much obscurity; at an humble mud rancho on the wayside in the Florida district, it appears, he first saw light. He has figured in most of the unhappy broils of his country. Profound political observers regard him as the creature, the tool, of others, who, now that the elections are approaching, find it convenient to have him running about the country. What truth there may be in this version it is difficult to say; but the calling out of the national guards is inevitable, as is also the result of the elections under such circumstances."

October 30.—The Espigador steamer from Corrientes arrived yesterday, and brought the news of some partial fighting in Paraguay, in which the allies, as usual, according to their own account, have obtained another success. The following is the Standard's version, which agrees with what is given by the other papers:

"SUCCESS OF THE ALLIES.

"The following telegram was received from the Tigre yesterday, at 3.15 p. m.: On the morning of the 21st instant a Brazilian ambuscade, composed of three divisions of

cavalry, on the right of the line of the allies, surprised eight hundred Paraguayans, taking two hundred prisoners and killing three hundred. The Brazilians lost seventy to eighty, rank and file, and one cornet killed and one captain wounded.

"On the same morning, on the left of the line, an Argentine ambuscade, composed of two divisions of cavalry, were hotly engaged with the enemy; and at the moment when victory was still doubtful, Colonel Videla arrived with a squadron of the 3d regiment of cavalry, which charged furiously, completely defeating the Paraguayans, who left eighty dead on the field. The Argentine loss was sixteen rank and file and three officers wounded and one officer killed. At the last moment it was reported that a picket of one hundred men, with its commander, had passed over to the Argentine camp."

The Tribuna of to-day publishes a long letter of Señor Hector S. Varela, co-proprietor of that paper, from Paris, giving an account of a brilliant speech made by him at the peace congress, held at Geneva, in defense of republican institutions, and more particularly of the United States and the republics of South America, which had been virulently attacked by a M. Dupasquier.

From Cordova the news of Governor Luque's resignation is confirmed. It appears that when he sent it in to the legislature the latter showed some disinclination to accept it, and Governor Luque then informed that body that he had delegated the governorship into the hands of a Señor Peña, an extreme liberal, until his successor should be duly elected.

October 31.—With reference to the last news from the seat of war, the following letter of the Standard's correspondent contains some interesting details:

"THE WAR IN THE NORTH.

"CORRIENTES, October 25, 1867.

"GENTLEMEN: All I can communicate with certainty respecting the last battle is that the Paraguayans sought the combat and got worsted, leaving four hundred killed or badly hurt, and two hundred prisoners. The allied loss is reported to have been very insignificant. Other versions state the loss on either side to be nearly equal. Caxias was to have marched from Tuyu-Cué on the 24th to take a position at Tayi. It is not known here if he has effected the desired purpose. If he can accomplish it, and maintain himself at that point, the reduction of Humaita must soon follow. The cholera is on the decline at the different encampments; still it is far from being extinct. Every precaution is being taken to prevent the further spread of the plague. The sale of all conserves, no matter if of flesh, fruit, or fish, is strictly prohibited. Due attention is given to cleanliness, while all care is bestowed on those that are convalescent; four and five patácones are paid for fowls for the sick. At Itapiru measures are in progress to remove the garbage. Here no preventive steps will be thought of until the plague is widely disseminated, when '*saue qui peut*' will be the watchword—people flying in all directions to escape perdition. Till now the authorities and denizens in general are indifferent as to what may come—Brazilian gold absorbing every other consideration. An extensive conflagration of hay has been going on at Isla de Itapiru for the past three days; many hundreds of bales, said to be the property of Mr. Dufour, have been consumed. It is supposed to have been purposely set on fire, which is probable, as the flames, when first discovered, were seen to issue from different parts of the pile. The loss is a serious one, as much of the provender was in a sound condition. Holders of the article here, since the fire, have advanced their prices.

"Yesterday the steamer Paysauder passed upwards, with a brig in tow; both vessels were loaded with horses. Other remittances of horses are daily arriving at Paso de la Patria from all parts of this province, as well as Entre Rios, notwithstanding the prohibitory decree. Most of the animals are stolen ones. However, few questions are asked as to how the sellers became possessed of the horses. The brute, as soon as sold, has its ear clipped, which at once determines the ownership in an indisputable manner. It is to be hoped the allies will bestir themselves and bring the wretched war to a conclusion, now that they have a good supply of sound horses, in all respects fit for the campaign, while those of the enemy are known to be utterly unfit for service. The Sisters of Mercy have arrived, and proceeded to their destination. Here has been a large sale of every description of goods; the value of the amount sold was 55,000 patácones. Many of the articles sold would have brought more in Buenos Ayres.

"I remain yours, truly,

"SINBAD."

Colonel Aparicio, whose invasion of the Banda Oriental has been already alluded to, appears to have retraced his steps and crossed over again to Entre Rios territory. He has been subsequently arrested at Concordia by the jefe politico of that department, Don Justo Carmen Urquiza.

November 1.—The following, relative to proceedings in the Santa Fé legislature, is an extract from the Standard's Rosario correspondent:

"The legislature of Santa Fé will meet again for the dispatch of business on Friday

next. Dr. Quintana intends presenting a project of a minute, to be addressed to the national government, praying them to conclude the war by arranging a peace with Paraguay. I have no doubt but that it will pass with a large majority. The communication commences with this strong language:

"As no voice has been raised within the precincts of the national assembly, (to urge for peace,) it falls upon the people to do it, to the shame of those who have not fulfilled their duty."

New governors have been elected in the provinces of Mendoza and San Juan, in the first a Señor Villanueva, and in the second a Señor Zaralla. They both belong to the liberal party and enjoy a good reputation.

A lieutenant colonel and a major of the late Confederate States service are reported by the papers to have arrived here from the headquarters of the allied army in Paraguay, recommended to the national government by President Mitre, to whom they have proposed to raise a foreign legion, composed, if possible, of North Americans and Englishmen, for service in Paraguay. The name of the first of them is McTuor.

November 2.—On account of yesterday being a closed holiday, no papers appeared this morning, and there is no news.

November 3.—The Tribuna publishes a translation in Spanish of a note which I addressed to Don Luis Varela, brother of its proprietors, Don Hector and Don Mariano Varela, congratulating him upon the remarkable oratorical triumph of his brother Hector at the peace congress of Geneva, in its session of 11th September last, in defense of assailed progress and civilization under republican institutions in this hemisphere.

The news from Montevideo is not very satisfactory. General Flores, eldest son of Colonel Fortunato Flores, whose brutal behavior obliged his father to send him to Europe about three or four months ago, has just returned to Montevideo from Paris, to the great disgust of his fellow-citizens in general. It is reported that in consequence of this, Señor Flangini will resign the portfolio of foreign affairs, and his successor is likely to be Señor Bustamante. With reference to this the Standard of to-day says:

"Things in Montevideo look rather stormy again; the government has notified General Suarez that for the present he must remain in the city and abandon his proposed excursion to the camp. This is doubtless on account of some information received respecting the squashed-up invasion on the Uruguay; but even in the city affairs are in an unsettled state. Minister Flangini has sent in his resignation, also many of the officers of the liberated battalion; all this is said to be owing to the premature return from Paris of Fortunato Flores, the son of the governor. It is thought that Señor Bustamante will succeed Flangini; his promotion will be a loss to Montevideo, since he has made an excellent chief of police, and it will be difficult to get any one so well qualified to fill this important post."

November 4.—A great public open air meeting took place yesterday, in one of the principal squares of this city, in accordance with a printed invitation, as a public manifestation in honor of Señor Hector Varela, for his great success at Geneva. The meeting was well attended, several speeches were made, and funds collected to present an album and a gold medal to Señor Varela.

The French gunboat *Decidée* arrived yesterday from Corrientes, having on board M. Cochelet, late French consul in Asuncion. She has also brought dispatches for this legation from the United States legation in Paraguay.

November 5.—A telegram from Montevideo announces the arrival there of the Marcelo Diaz, a Brazilian transport, direct from the seat of war, with news that on the 29th ultimo an action took place between the Paraguayans and Porto Alegre's forces at Tuyuti, which resulted in the latter occupying three of the enemy's trenches on the right flank; the loss on both sides is reported to have been considerable.

The published correspondence from the seat of war reaches only to the 27th, up to which date the only news of importance was the assurance that cholera had completely disappeared.

A file of Paraguayan papers to the 5th of last month has come to hand. If any credit is to be attached to the statements of the *Semanario*, it would appear that the most patriotic and indomitable spirit of resistance pervades all classes of Paraguayans, who are animated by unbounded confidence in their ruler, and in the ultimate triumph of the Paraguayan arms in this sanguinary war of independence. These papers teem with accounts of public meetings held by the Paraguayan ladies, and eloquent speeches made by them for the purpose of raising contributions of jewelry and other objects towards the expenses of the war.

They also contain some interesting data on the commerce between Paraguay and Bolivia, which seems to be so much on the increase that the latter republic has appointed a consul general in Asuncion.

November 6.—General Mitre's official report to Vice-President Paez of the action of the 29th ultimo is published in to-day's papers. This action, which had been erroneously reported to have taken place at Tuyuti, happened near a place to the north of Humaita, called the "Potrero Ovella." This Potrero Ovella is the converging point of all the roads that lead from the interior to Humaita, a position strong by nature,

and rendered more so by the fortifications raised by Lopez to protect it. It could only be approached by a narrow causeway, along which the Brazilians, under the immediate orders of General Mena Barreto, charged with the bayonet, and, after suffering considerable losses, succeeded in carrying the position. Marquis de Caxias's official report to General Mitre of this action is herewith appended :

POTRERO OVELLA.—TAYI.

[Official dispatch from the Marquis de Caxias to General Mitre.]

"HEADQUARTERS T'UYU-CUE,

"November 1, 1867.

"I have to inform you that, according to information received from Brigadier J. M. M. Barneto, charged by me with the operation already known to your excellency, he marched, on the morning of the 29th ultimo, at the head of a force composed of the 1st, 2d, 7th, 8th, and 9th battalions of infantry of the line, and 23d and 24th of volunteers, four pieces of artillery, fifty-four sappers, and first and second divisions of cavalry, arriving at the bridge of the Arroyo Hondo, when he left one of the cavalry divisions to guard that position and the rear of the expeditionary force. Continuing his march and approaching the Potrero Ovella, he received information from the vanguard that a line of skirmishers was in sight, supposed to be the vanguard of a superior force. He then ordered his own skirmishers to advance, protected by the 1st and 3d regiments of cavalry, he following with the bulk of the column.

"He might have advanced about half a league, when Colonel Manuel de Oliveira Bueno, who was engaged in watching the movements of the enemy, sent word that he was in possession of a pass leading to a redoubt, which, after the action, he found to be defended by two deep ditches, and in the flank covered by marshes, and in front by a narrow and deep lake. He then ordered the before-mentioned brigadier to advance with two pieces of artillery, protected by two columns of cavalry in echelon, supported by a battalion of infantry, masked by a line of skirmishers, which kept up a fire with those of the enemy. He sent two battalions to the right and left of the pass, and two others in the direction of the redoubt, followed by the cavalry and artillery in the rear. The column thus proceeded in the form of a half-moon, and were soon engaged in a bloody contest, resulting in the retreat of the enemy not only from their first lines already described, but from the others, equally well protected by extensive and deep swamps. The lines were carried successively by our troops at the point of the bayonet. I have much pleasure in saying that General Mena Barreto reports that officers and men alike distinguished themselves.

"The enemy then endeavored to retreat within the fortifications of Humaita, but were pursued and completely cut to pieces by our cavalry. We have buried eighty Paraguayan corpses, and have taken fifty-six prisoners, besides a quantity of ammunition and arms. Our loss in killed and wounded amounts to three hundred and seventy men.

"According to my instructions, General Mena Barreto marched yesterday at 5.30 in the morning, with a strong force and two pieces of artillery, to reconnoiter the barranca of Tayi. He halted there at 7.30, sending forward a picquet of carbineers to explore it. It was discovered that there were no intrenchments.

"Our two guns then fired upon a steamer in the river Paraguay. She replied with two shots that did not reach the barranca, and then steamed away towards Humaita. We made two prisoners, one of them a sergeant, who formed part of the guard at Tayi, which had fled, leaving a few lances and fortification tools in our possession.

"At 11.30 Brigadier Mena Barreto returned to the Potrero Ovella, leaving a regiment of cavalry at Tayi.

"Afterwards I received news that the before-mentioned steamer had returned, accompanied by another. They commenced to bombard Tayi, and succeeded in burning some carts I had placed there to imitate pieces of artillery. They fired also at the brushwood on the banks of the river, thinking naturally we had infantry concealed there. A third steamer was seen, but she passed up the river. One of their steamers and an armed raft remained all the day in the port of Tayi.

"From what we have hitherto ascertained, there exists a road by the coast of the river Paraguay to Humaita. The Potrero Ovella is, we find, about three leagues in extent, and composed of woods, lakes, and marshes, all of which we have explored. There is roaming within it a number of scattered cattle, which we shall collect on the first opportunity.

"The town of Pilar was explored, and it was found that there exists neither garrison nor fortification of any kind. The few people who were there on our arrival had embarked in rafts, and remained in the center of the river.

"Congratulating your excellency on this new triumph over the enemy, I have only to communicate that orders have been given to the general in command of the expeditionary force to retain the present positions until further instructions."

The Tribune of to-day, in its telegraphic news from Montevideo, says:

"It is beyond doubt that Flangini will shortly withdraw from the Foreign Office. Señor Bustamante is to be named prime minister, and will also discharge *ad interim* the duties of foreign minister, until the return from Europe of Señor Hector Varela, who is to succeed Flangini."

November 7.—The Standard publishes to-day my note to Señor Don Luis Varela, alluded to under date of the 3d of this month; it is herewith appended:

THE UNITED STATES LEGATION AND MR. L. VARELA.

"LEGATION OF THE UNITED STATES OF AMERICA,
Buenos Ayres, November 1, 1867.

"MY DEAR SIR: It affords me great pleasure to congratulate you upon the signal success which your distinguished brother, Señor Don Hector F. Varela, has achieved in his masterly speech, delivered in the most worthy and eloquent manner at the peace congress, in Geneva, during its session of the 11th September ultimo, in defense of assailed progress and civilization under republican institutions in this hemisphere. This manly and noble defense will live as a lasting monument of respect and sincere gratitude in the hearts of all the American people north and south.

"I am, with sincere regard, your obedient servant,

"A. ASBOTH.

"SEÑOR DON LUIS VARELA, Buenos Ayres."

The last mail from Paraguay has brought the intelligence of the death of President Lopez's eldest son, killed in a late cavalry engagement.

Certain of the native local papers having given currency to some absurd information about President Lopez, said to have been communicated by the French consul, the Standard of this morning makes the following remarks:

"Respecting the assertions ascribed to the French consul, some have foundation. The imprisonment and ill treatment of Mr. Capdevila is, for instance, too true, and the general complexion of the gossip from Humaita may be more or less well painted; but the absurd history of the caged tigers, to which Lopez, like a second Caligula, flings his human victims to be devoured, is an abominable falsehood. And the circumstance that M. Cochelet was lodged in a part of the fortress of Humaita exposed to the fire of the allies, is easily explained by the fact that there is no part of that fortress which is thus not exposed. It is a pity that our colleagues should go out of their way to publish silly exaggerations, as the state of affairs in the interior of Humaita is doubtless quite bad enough, and we are all pretty well disposed to believe that the resources of the ruler of Paraguay are well nigh exhausted. Let the allies push on their reinforcements and be above calumny. Marshal Caxias is at least better employed, and we find on the 29th of October General Mena Barreto, under his orders, took possession of a very important position, which may lead to final results."

November 8.—The Standard of to-day has the following leader on the position of the allies:

"THE POSITION OF THE ALLIES.

"Never since the commencement of the Paraguayan war has the campaign possessed so much interest for the general reader as at present; the allies, profiting by dearly bought experience, are at last adopting tactics which must result in either hemming in the Paraguay army at Humaita or forcing the enemy to attack on disadvantageous terms. It is much to be regretted that we have no book or guide at our command to describe the country in the neighborhood of the present operations, but as far as we can judge from the hasty sketches in the *Semanario*, the allies are entering localities every way dangerous to an invader. At Tayi, a commanding position on the Paraguayan river, just a stretch above Humaita, there is an immense isleta or jungle, in the vicinity of which already a sanguinary battle has been fought; according to the Paraguayan version, the Brazilians were driven back here on the 3d with great loss, while the allies claim a great victory on the occasion. The subsequent operations, however, remove all doubt as to this fight, for we find, on the 27th, a regular hand-to-hand fight at a point midway, called Potrero Ovello. This potrero occupies a very commanding position a little out of Humaita and on the road to Asuncion; here were posted the *abastecedores* of the army, and since the move of Caxias to Tuyu-Cué, Lopez has had hundreds of his soldiers digging trenches and strengthening the position. Up to the 3d ultimo, Caxias, it appears, knew nothing of this place, but the fights at the isleta taught him the topography of the ground, and on the 27th ultimo a powerful division was dispatched to take the place by storm. The brave cossacks of Rio Grande, under General Andrade Neves, and seven battalions of infantry, under Salustiano, marched in single file through a tortuous path from the allied encampment. The road passes through a glen, where a handful of Paraguayans, if well posted, might have held the

pass and checked the invaders; but the Brazilians encountered no opposition until they came face to face with the enemy at the Potrero. The enemy seemed to trust more to the strength of their position and their bravery than to numbers. Two hundred and fifty Paraguayans held the place undismayed at the splendid charge of the Brazilians; there was nothing for it but the bayonet; the fire of the enemy was steady, well directed and concentrated; but the Brazilians with equal heroism charged up to the very ditches at double-quick step. The Rio Grande cavalry won new laurels, and dashing up to the very trenches of the Paraguayans, sabred the gunners. The Paraguayans never flinched an inch until they saw the Brazilians at their flank; they then retreated in good order to Humaita, the nature of the country being such as to impede pursuit.

"Important as is this position in a strategic point, it costs the Brazilians dearly, and those who know the difficulties attending the attack of an intrenched position will not read with surprise that the Brazilians had over five hundred *hors de combat*, whilst the enemy did not lose a tenth of that number. A very sad episode occurred during the fight. Colonel Oliveira, who but the day previously had been promoted, was shot dead by a subaltern officer, owing to some high words passing between them. The position once gained by the Brazilians was occupied, and the Marquis Caxias, in person, inspected the place, and ordered the cavalry to hover about Tayi, whilst the artillery mounted some brass pieces to command the river. The Paraguayan guard at Tayi only numbered a sergeant and a few men. From the willful weakness of the place it is thought that Lopez wishes to get the Brazilians in this dangerous spot, but lines of the allies are so extended that if Lopez adopts the first Napoleon's tactics the allies will find out their error. The allies at present stretch over an immense extent of country, and the only feature in their favor is that the enemy may be said to be without cavalry. During the last month the allies have invariably attacked with success, and a summary of the various engagements shows great advantages gained by the allies and heavy losses by the enemy. This has led to a complete change of tactics on the part of the allies; large divisions are at present penetrating the country, and very possibly ere long we shall hear of the crossing the Tebicuari and the occupation of Villa Rica. Porto Alegre has been ordered to move to the right, and thus, in fact, form the rear-guard near Tuyuti; the evident object of this move is to strengthen the allied line which shuts Lopez in the peninsula, but all these movements and tactics can only have one result; a terrible and sanguinary battle has to be fought. Ten thousand desperate Paraguayans have to force their way into the country; the allies under no circumstances can avoid this, and the sooner it comes to pass the better for friend and foe; the base of operations will evidently be the Villa Pilar, when Porto Alegre evacuates that most useless of all positions, the fens of Tuyuti."

The telegraph wires from the Tigre announce the arrival of the Uruguay steamer with dates from the allied camp to the 3d instant. Great fighting has been going on. On the 2d the Paraguayans made an attempt by land and water to retake the positions of Potrero Ovella and Tayi to the north of Humaita, but were repulsed with great loss on both sides, whilst the next morning before dawn they surprised the allies in their rear at Tuyuti, and very nearly succeeded in taking possession of Porto Alegre's whole encampment; here, too, they were eventually repulsed, but although they suffered great losses they contrived to inflict even greater losses on the allies, and carried off several pieces of artillery, after setting fire to the Argentine sutler's camp.

To-day's Standard has the following leader, implying a covert threat to Lopez, which I have reason to believe has been inspired in an official quarter:

"ENGLISHMEN IN PARAGUAY.

"If President Lopez has ever speculated on the chances of intervention in his favor from abroad, or of domestic changes in the states now hostile to him, he must by this time be thoroughly undeceived. It is in the highest degree improbable that his position will be altered by any occurrence extraneous to the natural course of the campaign. We may take it for granted that he must rest the issue of the contest on his own military resources. What may be the strength of these it is difficult for us to form any reliable estimate; but the latest reports, after careful sifting of *ex parte* statements, present unmistakable signs of that gradual exhaustion so long predicted.

"On the other hand, it may be doubted whether, since the war commenced, the bonds of the triple alliance have been more firmly knit than at this moment. The primary stipulation of the treaty of alliance, that Lopez shall abdicate his power, runs more chance than ever of being exacted to the letter. The Brazilian empire, it is certain, will shrink before no sacrifice of men or money to attain that object.

"As far, then, as we can judge from appearances, Lopez is either obstinately fencing with his fate, or he is the dupe of parties personally interested in the continuance of the war. Neither of these alternatives is very creditable to his sagacity.

"We may say safely that we have never been the political advocates of General Lopez. We have always considered his system of government as an anachronism, and,

even more, as an impossibility, confronted as it must be by the steady advance of European ideas in these regions. But, in common with many of our fellow-countrymen, we have sometimes closed our eyes to his political acts, and have chosen to contemplate him only in the light of a ruler who, on the margin of a desert, and surrounded by an indigenous population, has made great efforts to foment industry and introduce the mechanical arts. In fostering these he has employed the revenue of the country with an uprightness which defeats calumny, and has patronized and well treated the English and other foreigners who have aided him in the attempt.

"What sympathy we may still entertain towards General Lopez we cannot better expend than in cautioning him against information which, for mercenary ends, may be given him to disguise the real truth of his position. If his position is such as it is now commonly represented, he may be sure that his enemies are not sanguinary, and that they will be only too glad to give him the opportunity to escape, if he chooses to accept it. Impartial spectators of the events now in progress would advise him to do so with all convenient speed.

"But it is possible that other counselors of President Marshal Lopez may ridicule this officious advice, as well as the views which seem to prevail as to the position of a potentate who, far from being in the straits we speak of, is secure, they would tell us, in the assurance of ultimate triumph. In that case, we have even greater reason for now adverting to a question of more serious import to us than mere speculation as to the result of a contest in which we are neutral.

"There are still Englishmen in the employ of General Lopez; and were we not averse to parallels, that might be thoughtlessly drawn between him and another distant potentate with whom Great Britain is now about to cast up accounts, we would say there are still certain Englishmen forcibly detained in captivity by General Lopez. But we prefer to consider them as foreigners, who from choice of interest have entered his service, and who have hitherto faithfully served him. From the nature of their callings, civil rather than military, we can yet hope that, *proprio motu*, he will be inclined to accept their resignation, although he may have lately refused that boon to a direct demand in their behalf.

"President Marshal Lopez must be aware that, as far as Europe is concerned, his future reputation is bound up in the safety and honorable treatment of foreign residents in Paraguay, and we can scarcely believe the too commonly expressed opinion that Lopez, now brought to bay, is callous to praise or censure, present or posthumous; and that the safety of the foreigners in his clutches has no other guarantee but the immediate personal ends, the caprices of a barbarian.

"On the contrary, we see in his diplomatic notes that he makes some sacrifice, even of veracity, to give a plausible coloring to his acts, when they are to be judged in distant countries, or where, in his own almost pathetic words, "his voice cannot reach." We know, also, that he spends large sums for no other purpose than to enable his agents in London or Paris to represent his proceedings favorably to the civilized world. We may, therefore, reasonably conclude that, as it has been remarked of the rest of us, he is neither so great a philosopher as to be above censure, nor so great a beast as to be beneath it.

"And, moreover, when he reflects on the responsibility of holding in his hands the lives of a few innocent foreigners, he will probably hesitate before he permits any willful injury to them, either in the hour of his triumph or of his fall. In the former case, he would risk the fruits of his success by incurring the vindictive and instant chastisement which we can positively assure him powerful European nations are preparing to inflict; and in the latter case, whilst permitted to live, he would be branded as a monster, or would subject his memory uselessly and gratuitously to the execration not only of his immediate enemies but of the world in general."

With reference to the new British minister near this government the Standard says:

"Mr. William Lowther, whose appointment as minister plenipotentiary to the Argentine Republic has been announced by the telegram from Montevideo, is the youngest son of Colonel, the honorable Henry Cecil Lowther, (M. P. for Westmoreland,) brother to the Earl of Lonsdale. Mr. Lowther was born in 1821, and married, in 1853, Charlotte, youngest and only surviving daughter of Lord Wensleydale, by whom he has a large family. He is one of the oldest secretaries of embassy in our diplomatic service."

November 9.—The papers to-day publish full details and official reports of the late fighting in Paraguay. The battle of Tuyuti, viewed in any light, is a bloody and ugly business, and shows the danger the allies incur in having their line stretched too far to be safe from attacks such as the one they suffered at Tuyuti on the 3d instant. In the action of Tayi there seems to be no question that the Paraguayans were worsted. They landed in three steamers, attacked and got repulsed completely, and of the three steamers one was sunk by the Brazilian artillery, the other burnt, and the third entirely disabled. The following detailed account of the Tuyuti business, as well as Marquis de Caxias' official report of the affair at Tayi, are from to-day's Standard:

"THE LATE BATTLES OF TUYUTI AND TAYI.

"TUYUTI, November 4, 1867.

"At daybreak (4½ a. m.) yesterday morning the Paraguayans made a fearful onslaught on our position. The sutlers and camp followers suffered heavily at the hands of the cowardly enemy, who plundered and murdered all before them. From one of the run-away merchants I gleaned the following, which I hasten to communicate, knowing your anxiety to have a full and true account of the engagement.

"Scarcely had the sun peeped above the horizon, dispelling the dark shades of night and lighting up the neighboring woods and valleys with its million rays, when we were startled by the ring of musketry on our right; presently the war clang increased, and it became evident that the Johnson battery, held by the Correntino division, was being assailed. The rapid discharge of two heavy guns, followed by a deadly silence, too plainly proclaimed the issue of the fight, at least so I felt, knowing that the few Correntinos left there could never hold out against any formidable attacking column. My conviction was shared by the Brazilian generals, who hurried forward their men on the first sound of alarm. While all around was bustle and excitement, General Porto Alegre, with becoming serenity, scanned from a slight eminence in front the whole line, adopting instantaneously the most energetic means of defense.

"The enemy must have numbered 8,000 bayonets, for the most infantry. They advanced in loose file, quick pace, but good order, and extended over our entire front line. The column approached in two divisions, the first of which fell deliberately on our right as if to carry all before them, while the second or reserve, from a little to the rear, practiced a series of harassing assaults on the Brazilian left. The combat deepens around our ramparts, of which the enemy boldly endeavored to possess themselves; the Brazilian reserves dispute their own hand to hand with the assailants, whose numbers at length prevail over valor and discipline; the Paraguayan banner waves triumphantly over the heaps of slain as the Brazilians fall back on Porto Alegre's headquarters; here they concentrated and awaited the advance of their comrades.

"This slight incident was the turning point of the whole day, and this early repulse it was which threw the final victory into the hands of the allies.

"For while the enemy, unable permanently to occupy the position, were actually impeded in their retreat by the trenches they had so dearly won, our retrograde movement, without entailing disorder, had so contracted our line of defense that we were enabled, with a small force, to hold at bay the fiercest assaults of the enemy until our reserves came up, which quickly changed the fortune of the day. Nothing but the stern determination of our veterans could withstand the hairbrained daring of the enemy; and as each column advanced large gaps were opened in their massive lines by our own incomparable gunners. We had now time to load and take deliberate aim with our field-pieces, for, as the Paraguayans were unprovided with artillery, they could not get at us except with the bayonet, no easy matter either, behind stone walls. It may be Lopez had calculated on capturing our guns and ammunition, and in this he was not out, for two fine rifled pieces were left behind by the Brazilians; but in future the gallant marshal would do well to instruct his braves in the use of "spiked cannon;" he would doubtless find it of great service in concluding a campaign with men who "never give up the ship." I am more inclined to believe, however, that the marshy and wooded nature of the country through which they marched would not permit of a long carriage train, otherwise it was a grievous error, and entirely blasted the fruit which, with a little judgment, might have ripened under the dazzling rays of their early success.

"In this critical moment the rapacity of our savage enemy proved our best friend. During one of those occasional lulls, whilst the enemy were organizing a fresh attack and we preparing to receive them, dense volumes of thick black smoke, commingled with flames, were wafted by on the morning breeze; overcome by the suffocating vapor, we stood motionless on our arms until aroused by the commotion among the camp followers. It was indeed a life and death struggle for these defenseless wretches; all who could not fly were butchered as they stood, their goods robbed, and houses burned. When Porto Alegre saw this, he charged at the head of a picked corps, driving back the enemy with dreadful carnage. From this dates the enemy's repulse, which, as the day wore on, was followed by increased disorder.

"General Hornos coming up with the San Martin 3d of the line and Correntino divisions, charged home on the broken masses, retaking the lost trenches and compelling the pursued to leave behind all their booty except two light guns, which, despite the noble efforts of the allied horse, were carried off to Lopez, the scanty trophies of that bloody day.

"The enemy's loss must have been fearfully heavy; more than two thousand of their dead were buried by the victor. The trenches, streets, and even the huts of the little village are filled with slain, so as to render it impracticable to pass on horseback. Our own loss may be laid down at seven to eight hundred, including many Argentine and

Brazilian officers. The valiant Porto Alegre had two horses shot under him, and was finally disabled by a wound in the left arm. Major Castilla led the Paraguayan charge, and was killed by Alegre whilst tearing down the Brazilian flag from the battlements in front of the imperial commander's tent."

[Second dispatch.]

"HEADQUARTERS, TUYU CUÉ, November 2, 1867.

"I hasten to inform you that, in accordance with my instructions, Brigadier J. M. M. Barreto attacked Tayi with the infantry under his orders.

"Disposed in parallel lines, supported by three columns of attack, one on the right, one in the center, and one on the left, they charged with the bayonet with the greatest intrepidity, and advanced up to the intrenchments which the enemy had raised with incredible celerity, and not only did our troops take these, but they completely defeated two battalions of infantry, eight hundred strong, without firing a shot, killing five hundred and taking sixty prisoners. Many of the enemy in escaping threw themselves from the banks of the river into the water.

"Our 4-pounders fired with such certainty at the three steamers in front of Tayi, (and which no doubt had conveyed thither the forces engaged,) that one of them was sunk, another burned, and the third moved off with her paddle-wheels damaged.

"It is satisfactory to me to be able to transmit such favorable intelligence, and the more so that Brigadier Barreto informs me our loss did not exceed thirty men in killed and wounded.

"MARQUES DE CAXIAS."

A. ASBOTH.

Mr. Seward to Mr. Asboth.

No. 52.]

DEPARTMENT OF STATE,
Washington, February 20, 1868.

SIR: You will receive herewith the correspondence* which has taken place between this department and Mr. Marsh, United States minister at Florence, on the subject of an Italian fleet from the Mediterranean to the waters of the La Plata.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ALEXANDER ASBOTH, Esq., &c., &c., &c.

Mr. Seward to Mr. Worthington.

No. 2.]

DEPARTMENT OF STATE,
Washington, August 19, 1868.

SIR: I transmit herewith, for your information, a copy of an instruction† addressed by this department to James Watson Webb, esq., United States minister to Rio de Janeiro, relative to the recent refusal of the Brazilian commander on the Parana River to allow the United States ship of war Wasp to pass the blockade of that river for the purpose of conveying Mr. Washburn on his return to the United States.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HENRY G. WORTHINGTON, Esq., &c., &c., &c.

* For inclosures see correspondence with the United States minister to Italy.

† For this inclosure see instruction No. 233, August 17, 1868, to the United States minister to Brazil.

Mr. Worthington to Mr. Seward.

[Extract.]

No. 2.]

LEGATION OF THE UNITED STATES,

Buenos Ayres, September 11, 1868.

SIR: I have the honor to inform you of my arrival at this place on the 29th of August, having sailed with my family from New York on the 23d of July, and proceeded directly to my post of duty. On Monday, August 31, I communicated with Señor Rufino de Elizalde, minister of foreign affairs, inclosing with said communication copy of my letter of credence and the remarks I would make upon the occasion of my presentation, and requested the appointment of the time when such presentation to the President of the Argentine Republic could be had. On the evening of the 31st I received a reply, designating the 2d of September for such ceremony. On Tuesday, the 1st, I was taken violently sick, and being confined to my bed, at my request the presentation was deferred until this day at 1 o'clock, and which will take place, not, however, in time for me to write my dispatches for the steamer, which leaves here at the hour fixed for this ceremony. I will therefore defer transmitting to the department copies of the correspondence until my next dispatch, so as better to preserve system and regularity in my correspondence.

As we sailed from New York, it was my good fortune to become acquainted with Señor Domingo F. Sarmiento, who was returning to his country from his diplomatic mission to the United States, in anticipation of his election to the presidency of this republic. We cultivated with and for each other a most friendly feeling, and it gave me pleasure to find him so imbued with the spirit of our institutions. On our arrival at Bahia, Brazil, he received positive information of his election, and communicated said information to me. The flag-ship of the South Atlantic squadron, Admiral Davis commanding, being in that port, honored him with a salute as we left that harbor for Rio de Janeiro. The same compliment was paid him by our ships as we left the harbor of Rio de Janeiro.

* * * * *

The general opinion prevails now that the war is rapidly approaching its conclusion. I can hardly share in that conclusion. By recent news (yesterday's boat) the allies have free navigation to Tebicuari, but it is a noticable fact that every fortification occupied by the allies had been abandoned by Lopez, who has retired to the interior at the head, it is said, of about sixteen thousand men, and fortified himself at Villeta, where it is said he will give battle to the armies of the alliance. The allies do not relax in their determination to continue the war until Lopez and his power is destroyed, and this resolution has been strengthened by the news brought by yesterday's boat, which created a profound sensation in this city. This news is regarded as most reliable. You will discover from the same the insecurity of life and property in that country. The outrage to the American minister has developed the feeling of hostility which all Americans residing in this city entertain towards Lopez. I have no definite news relative to the Wasp.

The news above referred to, and which I add to this sheet, has been published in all the papers.

I have taken this from the Standard, which is our English paper, dated this day.

THE WAR IN THE NORTH—ARRIVAL OF THE PARANA.

The mail steamer from Paraguay has brought news of much importance, and advices of the most afflicting character. At first we refused to believe the accounts of the wholesale butcheries in the Paraguayan camp, which our colleagues published. We had hoped, for the sake of common humanity, that the stories from the mouths of deserters and prisoners of war were but a tissue of falsehoods; but we deplore the fact that subsequent advices confirm the sad narrative, and this desperate war is about to wind up with one of the bloodiest chapters that has defaced South American history.

The onward march of the allied army seems unchecked by a single *contretemps*. General Osorio, at the head of the vanguard, has crossed the Tebicuari without meeting the enemy.

It appears that the commander-in-chief ordered the squadron to pass up the river, enter the Tebicuari, and bombard the enemy. To this mandate the admiral replied that it was impossible to enter the Tebicuari for want of water; but Caxias consulted with some skilled Paraguayan pilots, who insisted that there was sufficient water for the iron-clads, whereupon Caxias repeated the order, informing the admiral of what the pilots said. The admiral at once weighed anchor and got up to the appointed place and commenced shelling away; but soon he was acquainted with the fact that the enemy had long since fled, and had marched to the headquarters at Villeta. Upon Caxias being informed of this, he at once ordered Osorio to advance with the vanguard, swim the Tebicuari with his troopers, and establish his quarters on the right bank of the Tebicuari, all of which this brave officer did without a moment's delay. A general order for the whole allied army to advance on the morning of the 8th was then given, and all the steamers in the river—even the transports—were ordered up to ferry the troops across the river.

Timbo is razed; it never was a place of any strength; but the little fortress which the Paraguayans had constructed has been dismantled, and will not be occupied by the allies.

The little town of Pilar is now crowded with shipping. When the allies entered the place they found the inhabitants were all fled, and everything of worth or value carried off. A kind friend who, it appears, would stop at nothing to help the Standard, entered the church and carried off one of the figures for the Standard museum. Although most anxious to enrich our museum, which has cost us many years to get to its present position, we confess that we lament any subscriber of ours should presume in this way to obtain an article of pious *virtu*; and we receive the gift only on the strict understanding that when the war terminates we shall be at full liberty to restore it to the little chapel in question.

Humaita will soon be deserted; the Argentine troops under Gelly have received orders to march, and the few dealers who had temporarily established themselves there now move up in the wake of the army.

Lanuz and Lezica, the army contractors, keep a remarkably small stock on hand. They seem to think that the war may collapse at a day's warning, and they wish therefore to be on the right side. All their stores are kept afloat. Mr. Riestra keeps almost nothing on shore. The supply of forage has fallen off of late, and arrivals of hay and corn are now looked for.

Gelly Obes has obtained very important advices from a Paraguayan officer who has been taken prisoner by the Brazilian forces whilst marching along the left bank of the Tebicuari. He stated that the picket which he held was stormed and taken by the Brazilians on the 27th, and that on the 28th ultimo the remnant of the garrison swam across the Tebicuari to the opposite bank, where horses were in waiting to convey them to Lopez's encampment. That some ten or twelve days previously, Lopez, with the bulk of his army, had marched for Villeta, where, according to all accounts, Lopez intended to make a stand, having fortified the place. That his whole force numbered nine thousand men, with a "parque" of light artillery numbering over sixty pieces. That Lopez had rewarded all troops that had escaped from Humaita with a medal. Some soldiers with these medals have been taken prisoners.

That the battle in the Chaco is claimed by Lopez as a splendid victory, over two thousand Argentines having perished, according to the Cabichuy.

That Gaspar Campos is alive, but Colonel Martinez de Hoz was killed in the fight; his body was recovered and sent to Lopez, who had it buried with military honors on the lonely banks of the Tebicuari. The grave has since been identified.

This officer fully confirms the report about the revolution, which, it appears, was got up in Asuncion, and most of the principal men took part in it. On the 1st of July, Lopez got information of it. He at once ordered the arrest of Captain Gomez, the commander of Asuncion, who was sent prisoner to headquarters. It is stated that this unfortunate man was tortured in order to make him divulge; he died in torture. Colonel Denis, commander of Cerro-Leon, was next arrested with all his subordinates. They were all shot. On the same day Venancio and Benigno Lopez, brothers of Presi-

dent Lopez, and Captain Hermosa, Venancio's aide-de-camp, arrived in irons from Asuncion. Hermosa was at once shot.

For several days prisoners from Asuncion kept arriving by steamer. Among these were Carreras, Rodriguez, Telmo Lopez, Pereira, and all the Argentines and Orientales in Asuncion. All shot. Laguna, Garay, Costa, and Lucero, also shot. Sinforoso Caceres also shot. Two Correntinos made their escape.

Whilst this lasted it was indeed a reign of terror in Paraguay. Men feared to speak even to their most intimate friends. Several parties took refuge in Mr. Washburn's (the American minister's) house, but the rude soldiery rushed into the rooms and dragged the unfortunates out, heedless of the consequences. Mr. Washburn, as a matter of course, protested against the outrage, and notes have been interchanged.

There is no positive evidence that Berges has been shot. He has been arrested and removed from office. Gumecindo Benitez, the editor of the *Semanario*, was named his successor, as minister of foreign affairs; but Benitez has been arrested since, and will be tried for treason. This same officer declares that Lopez having reason to believe that the bishop and some of the clergy were implicated in the conspiracy, a guard was placed on the bishop's residence, and three clergymen arrested; some of them, he states, were put to the torture. His description of the executions is, indeed, too horrible to relate. The first batch numbered nearly fifty, among whom were General Brugges, Colonel Nunez, Majors Mesla and Haedo, and Captain Rojas, all the first and best people in Paraguay. The family of Rojas is one of the oldest, and was the richest in the country, and we deplore the fate of this talented young man.

These wholesale executions lasted for eight or ten days, the ruffian soldiery vying with each other in heaping insults on these unfortunates. But their hour is fast approaching, and blessed be the hand that shatters at a blow the accursed and savage despotism of a rabble and shoeless soldiery.

We throw down the affidavit of this prisoner of war, too shocked to continue such a chapter of horrors. Further details would be repugnant to our readers. Whatever sympathy the heroism of the Paraguayans may have secured from an impartial public, the awful butchery which surrounds the impotent throes of their tottering ruler calls for execration. Common humanity shudders at the picture which this officer discloses. It may be that such terrible episodes are necessary to uproot the power which Francia planted; but the lesson should not be lost sight of, and the allies should push on at once to finish the chapter.

* * * * *

I cannot close this dispatch without adding that I have received every assurance of good feeling towards my government, and I know it to be the desire and purpose of the President elect to cultivate the most friendly and intimate commercial relations between the two governments, in which I will most heartily co-operate.

With great respect, I have the honor to be your obedient servant,
H. G. WORTHINGTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Worthington to Mr. Seward.

No. 3.] LEGATION OF THE UNITED STATES,
Buenos Ayres, September 12, 1868.

SIR: The unexpected departure of a mail from this port to-morrow affords me an opportunity of communicating to the department the correspondence and circumstances attending my presentation and reception as minister resident of the United States to the Argentine Republic. On the 31st of August I addressed to Señor Rufino de Elizalde, minister of foreign affairs, a letter informing him of my arrival, and requesting the appointment of a time for my presentation to the President of the Argentine Republic, a copy of which said letter is hereto annexed, marked A. On the evening of the same day I received a reply to the same, a copy of which, together with a translation of the same, is hereto annexed, both of which are marked B. As I informed you in my dis-

patch No. 2, dated the 11th instant, my presentation was deferred, in consequence of my sickness, by mutual verbal understanding, until the 11th instant, at which time I was waited upon by Señor Delfín B. Huergo, sub-secretary of state, in company with an aide-de-camp of the President, in the government carriage, which the President very kindly put at my disposition, and conducted, in company with Mr. Hollister, United States consul, whom I invited to be present at the ceremony, to the governor's mansion, where was provided a band of music and the usual military display, which is part of a custom of the country attending this ceremony.

On reaching the governor's mansion I was most courteously received and taken charge of by Señor Rufino de Elizalde, by whom I was presented to his excellency the President, to whom I addressed the remarks hereto annexed, marked C, a copy of which I had previously transmitted to the minister of foreign affairs. I was received by the President, both in my official as well as in my personal character, with every manifestation of regard and good will, as indicated in his reply to my address, which is hereto attached, with a translation of the same, marked D. The President was surrounded by his entire cabinet, in the uniform of their highest military rank, as well as by a large concourse of citizens who had assembled to witness the ceremony.

After the exchange of remarks between the President and myself, which was followed by a short personal conversation, I was presented to the several members of his cabinet, from all of whom I received expressions of admiration for our government, and their great desire to see cultivated more intimately, if possible, the good relations between the two governments. These ceremonies being concluded, I returned, accompanied by the same escort, to my hotel, after which I made the usual visits to the various officers of the government and members of the diplomatic corps resident here.

All the circumstances attending this ceremony afford the most gratifying assurance of the happy relation existing between the two governments, and I feel confident that I will encounter no difficulty in preserving this good correspondence.

Nothing of any consequence has developed itself since my last despatch, except the speculation indulged in by the press as to who will succeed Señor Sarmiento as minister to the United States. There seems to be considerable unanimity in the belief that this distinction will be accorded to President Mitre, a gentleman of fine martial bearing, and, I learn, of fine cultivation and ability, and, withal, having a high appreciation of the superior excellence and advantage of our system of government and its institutions.

I have the honor to be, very truly, yours,

H. G. WORTHINGTON.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

A.

Mr. Worthington to Señor Rufino de Elizalde.

LEGATION OF THE UNITED STATES,
Buenos Ayres, August 31, 1868.

I have the honor to communicate my arrival here as the minister of the United States to reside near this government, and herewith transmit a copy of a letter from the Presi-

dent of the United States accrediting me as such, and respectfully request the appointment of a time and place at which I may be admitted to present personally a sealed letter of credence addressed by my government to his excellency the President of the Argentine Republic. I also have the honor to inclose herein the remarks which I shall address to the President of the Argentine Republic in behalf of my government at said presentation.

With great consideration, permit me to subscribe myself, very truly and respectfully,
yours,

HENRY G. WORTHINGTON.

His Excellency RUFINO DE ELIZALDE,
Minister of Foreign Affairs.

B.

Señor Rufino de Elizalde to Mr. Worthington.

[Translation.]

DEPARTMENT OF FOREIGN RELATIONS,
Buenos Ayres, August 31, 1868.

I have the honor to acknowledge receipt of your dispatch of this date, by which you please to inform me of your arrival, and to inclose a copy of the letter of his Excellency the President of the United States, which credits you in the character of minister resident to this government.

The President, to whom I have delivered the inclosed copy of the speech you propose to address on presenting the credentials, has fixed the 2d instant, at 1 o'clock p. m., in order to receive your excellency with that purpose in the government house.

It is with pleasure that I avail myself of this occasion to offer Mr. Worthington the assurance of my highest consideration.

RUFINO DE ELIZALDE.

His Excellency General HENRY G. WORTHINGTON,
Minister Resident of the United States of America.

C.

MR. PRESIDENT: In presenting myself near your government as the minister of the United States, I am especially charged by the President of my government to communicate to you the great satisfaction with which he regards the harmony and the good understanding which has existed and which has been so successfully maintained between the two governments. He therefore has authorized me to express, in behalf of the Great Republic of the North to her sisters of the South, the best wishes of my government for the development of your resources, for the prosperity of your people, and for the stability of our systems of government, which so eminently testifies the excellence of republican institutions.

In commencing, Mr. President, my official relations with the Argentine Republic, I am inspired with a confidence that those relations, which have been so pleasantly maintained by my distinguished predecessors, and which I shall be so careful to preserve during my residence in your country, will conduce to the benefit of both governments by a preservation of the happy correspondence, and I assure your excellency that, both in my personal efforts as in my official relation, nothing shall be left undone to contribute to that result.

And now I have the honor of presenting a letter from the President of the United States to your excellency, accrediting me as minister to reside near this government.

D.

[Translation.]

SIR: I am pleased with receiving the letter which credits you as minister resident of the United States of America to the government of the Argentine Republic; and I acknowledge the fraternal wishes you express in her name for our prosperity and aggrandizement.

The analogy of our respective institutions and the common interests of both countries will powerfully contribute, sir, as the result of your mission, to render even stronger, if it be possible, the bonds of perfect friendship which happily link them, testifying at the same time the excellency of the republican principles they both profess.

The people and government of the Argentine Republic do not forget what they are indebted for to the Great Republic in the recognition of their independence, and bearing in mind the high examples given them by her on the track they follow, I greet in their name, through your distinguished person, the people and government of the United States, praying for their happiness.

Mr. Worthington to Mr. Seward.

[Extract.]

No. 4.]

LEGATION OF THE UNITED STATES,
Buenos Ayres, Argentine Republic, October 13, 1868.

SIR: I have the honor to acknowledge the receipt, on the 3d of this month, of dispatch No. 2, dated August 19th, 1868, inclosing copy of dispatch No. 233, dated August 17th, 1868, addressed to James Watson Webb, esquire, United States minister to Rio de Janeiro. It is a source of congratulation that this question has reached a solution by the passage of the Wasp, as ordered by the government, and her return to this place on the 20th of September, with Charles A. Washburn, United States minister to Paraguay, and his family, on board. Mr. Washburn having informed me that he had transmitted elaborate dispatches by this steamer, I am relieved of the duty or necessity of writing much about the condition of affairs in Paraguay, or the movements of the allied armies. It is well to observe, however, that no important progress is being made, the situation being the same as mentioned in my dispatch No. 2. Yesterday, Mr. Sarmiento was duly and formally inaugurated President, and Dr. Alfonsa Alsina vice-president of the Argentine Republic. The ceremonies were impressive and orderly, nothing of an insubordinate or revolutionary tendency developing itself. The inaugural address of the President was well received, particularly those parts in "italics" in the copy I inclose with this dispatch. The diplomatic corps was fully represented, and after the ceremonies were over we called on the new President in a body and offered our congratulations. The cabinet or ministry is composed of able and, said to be, just men, and is as follows: Minister of the interior, Señor Delamacio Velez Sarsfield; minister of foreign affairs, Señor Mariano Varela; minister of agriculture and public instruction, Señor Nicholay Avellanda; minister of finance, Señor Benjamino Gorostiago; minister of war, Señor D. Martin Gainza, all of whom share largely the feelings of the President toward our government and people.

A magnificent demonstration was spontaneously accorded ex-President General Mitre, by the citizens of this city, on the occasion of the retirement from his high position; and it is at least suggestive of some improvement, that after the expiration of his constitutional term of office he handed over to his successor the government intact, the treasury comparatively full, and, though engaged in a war, the people enjoying a prosperity they never before realized; and to whatever position General Mitre may be called, I feel confident our government will always find in him a reliable friend. The question of the seat of the national government is again exciting much interest. Before the last session of the national congress adjourned they located it at Rosario, but it did not

receive the sanction of President Mitre. In my judgment there is no reasonable probability there will be any change for some years to come.

* * * * *

I have the honor to be your obedient servant,

H. G. WORTHINGTON.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

ADDRESS OF THE PRESIDENT.

SENATORS, DEPUTIES, AND FELLOW-CITIZENS: After the solemn oath which I have just taken, it is needless for me again to promise that I will fulfill the laws and the constitution, by worthily exercising the authority conferred on me by my fellow-citizens. This is my duty, my fixed resolve, my highest aspiration. If rectitude of intention and a wish to do good are claims upon the aid of Divine Providence, I dare to hope that the blessings of Heaven will at last visit this part of the earth, so long abandoned to the errors and misfortunes that retard the progress of nations and their governments.

The attention of the country is at present naturally fixed, after so long and bloody a war, on the exorbitant sacrifices imposed on each and all of us for the common safety. I therefore hasten to assure you that the guiding spirit of my administration, and especially in the election of public employées, will be to insure, by every means, economy and integrity in the disposal of the national moneys. I shall also try to maintain our rising credit, the source of all wealth, by religiously fulfilling our obligations, and thus strengthening the confidence that the nation is acquiring both at home and abroad.

The constitution makes the President sole head of the administration, and I can therefore solemnly engage, since it depends on my own acts, that the administrative morality will be complete during my term of office.

I must also speak of the war wherein we are engaged, and the alliance in connection with the same. Nations have duties to perform in respect for their past history and their future prospects. A war abandoned in disgust of weariness, in 1827, did not give the much-desired peace for six months; and after breaking the links of union, there ensued a terrible tyranny and series of wars, that have not yet ended with the fall of Humaitá. The present war seems drawing to a close, but we must not be too sanguine, for all judgment is at fault when events depend on the caprice and unbridled passions of a semi-barbarous tyrant. We must never for a moment lose confidence, but strenuously prosecute the war till obtaining security for the future.

To offer peace to an enemy that does not sue for it after so many disasters, would be to change our position from conqueror to conquered. Such errors are always dearly expiated.

I trust that under my government the Argentine Republic will show itself worthy of its glorious antecedents, and maintain its high position among the nations of the world. I think that the alliance with Brazil and Uruguay nowise compromises the principles of our government, and I consider it not only lawful and necessary but highly honorable. This alliance will be maintained and faithfully observed while the security and honor of the republic so require.

The social and political bonds that hold a nation together should never be closer than when its honor and safety are threatened from abroad; and you know well how far the republic has been from offering such an example of duty, patriotism, and good sense, on the part of its sons.

Whilst some were filled with love of country, participating in its glory or disgrace, its greatness or humiliation, and rushed forward to the frontier for its defense, there were others who availed themselves of the occasion to take to the highways or join the Indians, thus increasing the confusion of the time and calling off the national forces, which should have been entirely occupied in the noble and heroic enterprise of saving the honor of our flag.

I am still ignorant of the names of the leaders who appeared in this obscure epoch, since they had attained no notoriety either in the social or the political sphere; I am not, however, ignorant of the duties of every government; and foremost is that of giving security to life and property, keeping the high-roads clear, and encouraging commerce and industry.

The constitution, in all free countries, admits not of discussion by force of arms. To take up arms against the Republic, no matter what the pretext, is an act of treason, and our constitution, after the model of the United States, provides the government with efficacious means to prevent such a calamity as that the people should curse the day on which their constitution was framed.

Meantime, I think I may promise you that the tranquility which has been disturbed in some places will speedily be re-established, and that the ill-advised persons who

took up arms will quietly lay them aside, confiding in the national justice for a remedy for their complaints whenever such shall appear well-founded.

The evils that afflict the Argentine Republic are not of to-day's growth, neither are they peculiar to our country. The spectacle of provinces convulsed by insurrection has been a constant repetition for the last fifty years, with the same characteristics and features, and differing only in names and pretexts. These social phenomena are, moreover, reproduced throughout the rest of Spanish America, with only slight variations incidental to climate and other circumstances. Few states have become organized after sixty years of strife and contention, or can quietly set themselves down to work with security for the future.

Thus the evil is deeper than seems at first sight, and we see chronic causes producing everywhere the same results. To study the fatal causes of such prolonged inquietude would be the noblest task of our thinking men, and to cure them in their origin should be the great aim of our law-makers in Congress and the special study of government.

The insurrectionary movements that call in question every moment the solidity of our self-chosen institutions and impede our progress have their focus in the barbarism of the country districts and the ignorance and destitution of the poorer classes. The defense of the frontier presents the same features. All the efforts of successive governments, after half a century, have failed to protect the settlers from the Indians; and more than once we have seen the savage tribes invade our tribes as auxiliaries of this or that faction.

Public patience can no longer tolerate such evils, and the time has now arrived to see if our government is really what it ought to be under our republican institutions, namely, the means of distributing the greatest possible amount of felicity to the greatest possible number of individuals. A nation loves not its institutions unless when these conditions are fulfilled.

The work before us is even of a more pressing nature. We have inherited ignorant and destitute popular masses, and the uniformity and cohesion which are the essential conditions of all societies have been violated. The public powers are, nevertheless, called upon to foster liberal institutions on a soil thus badly prepared, and to combat the difficulties that obstruct the way.

Our situation is, however, neither desperate nor irremediable. If population is wanting to fill our extensive territory, other nations only ask from us security and protective laws, and will give us millions of men who constitute their superabundant population. If distances are enormous, steam shortens them. But, all these resources must be distributed and utilized by wise and even-handed laws, avoiding that, whilst the elements of civilization accumulate on the coast, the remainder of the country shall not be abandoned to barbarism, and that an apparent benefit shall not give rise to further calamities and disorders.

The public lands, under an equitable system of distribution, will fix the population that is to-day houseless, give a home to the thousands of emigrants that come in search of it, and put a stop to the depredations of the hordes of the desert, by effacing that very desert which is their theater and their element. Some organic laws on education will suffice to render the prosperity which we are bound to secure for future generations a reality. Nations, like individuals, have almost always to blame the recklessness of their fathers for the evils that afflict them.

To spread civilization over that part of the republic that is as yet deprived of its benefits, to provide efficiently for the defense of the frontier, to give security to property and life, are conditions as essential as the very compliance with constitutional precepts, because they all tend to the same end. A majority enjoying the liberty of being ignorant and poor does not constitute an enviable privilege for the educated minority of a nation which is proud of calling itself republican and democratic.

I repeat it again: the time has come to ponder seriously upon these grave social questions, since, fortunately, political ones are in a great measure settled.

The national sentiment that leads us, without any local preference, to interest ourselves in all that affects our common mother country, has assumed in these later years a deeper intensity. The nation acquires every day more consistence; and, thanks to the progressive development of that noble feeling that makes of an assemblage of individuals a social being animated by the generous passions of heroism and justice, we may soon hope that the name of Argentine will be associated in men's minds with those moral, intellectual, and progressive qualities that characterize a free and enlightened people.

The general progress of mankind comes also to our help. Men's blood is not spilt in vain for the supremacy of a principle; and its triumph, once obtained, does not become the exclusive patrimony of the nation that has been its redeemer. The abolition of torture, the disappearance of slavery, the liberty of conscience, the declaration of rights which we have inscribed in our constitution, are no conquest of ours, but a legacy which we are bound to preserve intact. In this category we can add to-day "The indissolubility of federal nations." A million of men, whose corpses have strewn the battle-fields, have put the seal for us and for all federal republics

on this mighty principle. Henceforward there can be neither nullifiers nor separatists, but only traitors and criminals.

Thus far we may at any rate rest tranquil. Our political agitations will ever be preserved within the limits of the nationality which has cost our forefathers so much blood, and of the constitution which we ourselves have cemented by so many sacrifices.

I have thus sketched the policy of my government. I am not cowed by the difficulty of the undertaking, although I am not ignorant how much those who are called upon to assume the arduous task of governing are destined to suffer for their reputation and repose. I am bound to submit to this doom, since our mother country is not yet sufficiently well organized to afford enjoyment to those who are fortune's favorites. But I am overwhelmed by the confidence and the hopes reposed in me. Our history reveals to us that we possess the conscience of good much more than the patience and capacity to attain it. Many of those who tried it died in the attempt or in exile. It is only future generations that can revindicate the memory of those faithful servants who failed to be popular because they preferred being deemed worthy of esteem.

A majority has raised me to power without my having sought it; and I have, therefore, the right, on taking possession of the hard seat to which I am called, to ask that that majority may continue united, and not throw upon me alone the responsibility of its own government. I am bound, likewise, to ask that it may attract to its ranks all those who deserve to figure therein for their patriotic aims and their liberal ideas.

With regard to those who have opposed my election, I can only say to them, in the words that Jefferson addressed to his opponents, "That they have their own rights and position as citizens of this country, and that I have not received from the constitution any power to change them;" and will conclude by reminding them, with Lincoln, "That the electoral urn is the legitimate successor of bullets, and when the suffrage has declared itself, freely and constitutionally, the only appeal from its verdict is by consulting again the polling-booths of a subsequent election."

Protected by Providence, in whose help I confide, aided by the active co-operation of my fellow-citizens, guided by your prudent laws, honorable senators and deputies, enlightened by the wisdom of my councillors, looking to the constitution as a guide and to the force it places in my hands as an auxiliary, I shall attain the realization of some of the hopes that I have sketched, and shall deliver up to my successor the republic undivided, the revenue prosperous, a greater number of happy and educated men, the laws respected, and, perchance, although I scarcely hope it, the government the object of everybody's blessing.

Mr. Worthington to Mr. Seward.

[Extract.]

No. 6.]

LEGATION OF THE UNITED STATES,
Buenos Ayres, December 11, 1868.

SIR:

* * * * *

General McMahon, minister to Paraguay, having visited me here on the 8th of November and presented to me the instructions contained in the dispatch to him, to wit, "That I ascertain from the government of the Argentine Republic if all military obstacles to his passage up the river to his post of duty had been removed," I addressed a letter on the 9th of the same month to Mr. Mariano Varela, minister of foreign affairs, desiring said information, a copy of which letter is hereto attached, marked A. On the 10th instant an answer, desiring time to consider and consult, a copy of which is also herewith attached, marked B, with translation corresponding to letter. Immediately following the reception of letter marked B, the President of the republic, Mr. Sarmiento, communicated to me his desire to have me call on him. I accordingly did so on the 11th instant, and found him in a condition of high excitement arising from the report that was in circulation that the United States squadron, Rear-Admiral Davis commanding, intended to accompany General McMahon up the river, and if necessary force their way through the lines of the allied armies. Up to the time of this interview I was not informed of the purposes of Admiral Davis nor General McMahon;

except of his intention to proceed to his post of duty. I was therefore unable and unauthorized to make any explanation to his excellency, otherwise than to remind him of the established policy of non-intervention which has been invariably pursued by our government. The President then remarked that "he was satisfied the United States would do nothing to embarrass the interests of the Argentine Republic," and that "my note of the 9th should receive an answer that should be satisfactory, but to do that he would be obliged to consult the special envoy of Brazil, Mr. Almaral;" to which I replied that "My instructions only required me to obtain the information desired from the government to which I was accredited."

Our interview closed with the most perfect good feeling, and I parted with his excellency more than ever impressed with the assurance of his kind and friendly disposition towards the United States.

On the 13th I received from the minister of foreign affairs the answer promised in his note of the 10th instant, a copy of which in Spanish, and a translation of the same, being hereto annexed, marked C.

General McMahon being in this city, making his arrangements for his journey up the river, I addressed him the letter, a copy of which I attach, marked D. I deemed it proper he should be prepared with all the information and correspondence in the event of any attempted delays or interference on the part of the Brazilian commanders.

On the 19th Rear-Admiral Davis arrived here on the Wasp, on his way up the river, followed by the Kansas, Pawnee, and Quinnebaug. His presence, and the presence of our vessels, had already excited much remark. The allies and their friends were highly delighted at the supposed hostile status of the United States towards Paraguay, in consequence of the conduct of President Lopez towards Mr. Washburn and the rights of his legation; while, on the other hand, those here anxious for peace, and in favor of anything that will effect that result, were equally elated, because they believed the presence of an American minister and the admiral might develop something that would facilitate a speedy termination of the war.

Directly upon the admiral's arrival, he, accompanied by myself and his staff, paid the usual visit of courtesy to the President, and we were all received by him with every mark of respect and consideration.

* * * * *

On the 21st of November I addressed the note, a copy of which is hereto annexed, marked E, which was answered on the 23d, a copy of which, with translation corresponding to letter, is hereto attached, marked F.

Directly after the reception by me of the note of minister of foreign affairs, dated the 13th, and marked C, Mr. Almaral, the special envoy from Brazil to the alliance, called on me and said, "He called especially to assure me of the pleasure it afforded him to unite and concur in the purposes indicated in that note; that no communication whatever had been submitted to Brazil on the question; by uniting his assent to that of the other allies, he hoped the United States would regard it as evidence of the justice and good disposition of the Brazilian government, it not having been consulted concerning it." I thanked him for this expression, and said I would communicate his friendly assurances to my government. Since then this minister has been recalled by his government for purposes of consultation.

On the 21st of November General McMahon and Admiral Davis left here on the Wasp, and (by steamboat arrived here last night) I hear had reached Paraguay and were in communication with President Lopez. I

attach here an extract from the paper of to-day, which is the latest information from that quarter:

General McMahon, the American minister accredited to Paraguay, has gone up the river in company with the American admiral. His excellency General McMahon has reached Angostura, and has held an interview with Marshal Lopez. It is not thought probable that the difficulties created by Mr. Washburn will lead to anything very important. On the contrary, the general belief is that the arrest of Messrs. Bliss and Masterman will be fully and satisfactorily explained, and that General McMahon will use his best exertions to mediate, and thus bring this protracted war to a conclusion.

The allied army have at last made a movement, the difficult character and results of which we have yet no authentic information. They have, however, crossed into the Chaco, and a portion of the army recrossed so as to be in the rear of Villeta. Thus far, however, Lopez still remains at Villeta, showing no disposition to abandon that point. Even if the entire army should succeed in reaching the point desired, it would only compel Lopez to abandon the river and retire to the interior, and still prolong the war. The allies have demanded twenty thousand new troops.

* * * * *

Mr. Minister Washburn left here on the packet of the 12th of November, *en route* for Washington.

* * * * *

The state of affairs in the frontier provinces is in an extremely unsettled condition. While everything remains quiet in Entre Rios and Corrientes, serious revolts and disturbances have occurred in the province of Salto. I have every confidence, however, in the capacity of the existing administration, which I am confident will not only restore order in Salto, but afford more protection to the frontiers than they ever before received.

Don Manuel R. Garcia, at present secretary of the Argentine legation at Paris, has been appointed minister plenipotentiary to the United States. He is represented as a gentleman of fine cultivation, and, as assured me by the President, to employ his own language, "eminently worthy to represent the Argentine government in the greatest liberty-loving republic in the world."

It is with great satisfaction I can testify to the healthy condition of this country at present. This time one year ago the cholera was raging here with fatal fury. Thus far we have had none of it, nor do I hear of its existence in the armies. The sanitary arrangements are such, taught by last year's terrible lesson, that we may reasonably hope to be free from this most unwelcome visitor.

With great respect, I have the honor to be, your obedient servant,
H. G. WORTHINGTON.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

A.

Mr. Worthington to Señor Varela.

LEGATION OF THE UNITED STATES,
Buenos Ayres, November 10, 1868.

SIR: I have the honor to inform you of the arrival in this city of General M. T. McMahon, minister resident of the United States accredited to the republic of Paraguay, who is proceeding to Asuncion, the capital of said republic; and for the purpose of avoiding delays in the progress of his journey to his destination, I am instructed "to ascertain whether the military obstacles to his passage up the river to his post of

duty have been and are now removed by and on the part of the government of the Argentine Republic."

I pray your excellency to pardon me when, in view of my absence from the city for several days, I solicit an early answer to this inquiry.

Cordially reciprocating the consideration with which your excellency honors me, and begging you to accept the assurance of my great regard, I have the honor to be your obedient servant,

H. G. WORTHINGTON.

His Excellency Don MARIANO VARELA,
Minister of Foreign Affairs.

B.

Señor Varela to Mr. Worthington.

[Translation.]

FOREIGN OFFICE,
Buenos Ayres, November 10, 1868.

MR. MINISTER: I have made the President of the republic acquainted with the dispatch of your excellency, whereby I am informed of the arrival of General McMahon, minister resident of the United States to the government of Paraguay, and whereby I am requested to inform your excellency whether the military obstacles to his passing up the river have been and are at present removed on the part of the government of the Argentine Republic. As the inquiry of your excellency relates to the war we sustain against Paraguay, my government needs to come to an agreement with the representatives of the allies on the answer to be given to your excellency. This is the reason why, notwithstanding its good will, the Argentine government is compelled to delay that reply two or three days.

I avail myself of this occasion to renew to your excellency the assurances of my high and distinguished consideration.

MARIANO VARELA.

His Excellency H. G. WORTHINGTON,
The Minister Resident of the United States of America.

C.

Señor Varela to Mr. Worthington.

[Translation.]

FOREIGN OFFICE,
Buenos Ayres, November 13, 1868.

MR. MINISTER: The Argentine government has solicited the assent of its allies to resolve on the affair spoken of in the note your excellency made me the honor to address to me, dated the 10th of the current month; and I have the satisfaction to say, in answer thereto, that the allied governments order the generals of their respective forces not to put any obstacles to the transit of General McMahon, save that they find it necessary to delay him in the interests of the war operations that may be at the point of being executed, as it was declared in the recent case of the steamer Wasp. The allied governments are persuaded that General McMahon, understanding the importance of those operations and the interests depending on them, will contribute on his part so that they do not suffer any embarrassment.

I avail myself of this opportunity to renew to your excellency the expressions of my highest consideration.

MARIANO VARELA.

His Excellency HENRY G. WORTHINGTON,
The Minister Resident of the United States of America.

D.

Mr. Worthington to Mr. McMahon.

LEGATION OF THE UNITED STATES,
Buenos Ayres, November 20, 1868.

DEAR SIR: I have the honor to inclose herewith a dispatch addressed me from the Argentine Republic in relation to your passage to the republic of Paraguay.

I have the honor to be, very truly yours,

H. G. WORTHINGTON,
Minister Resident to Argentine and Uruguay Republics.

His Excellency M. T. McMAHON,
Minister Resident of the United States to the Republic of Paraguay.

E.

Mr. Worthington to Señor Varela.

LEGATION OF THE UNITED STATES,
Buenos Ayres, November 21, 1868.

SIR: In a general conversation which his excellency the President of the republic did me the honor to grant on yesterday, he expressed a desire to know "the purposes for which the ships of war of the United States navy, under Rear-Admiral Davis, commanding the South Atlantic squadron, were proceeding through the waters leading to the republic of Paraguay."

It affords me pleasure to assure your excellency that the presence of these vessels, as well as their purpose in prosecuting their voyage, in no manner tends upon the part of the United States to disturb the peaceable and friendly relations existing between our governments, and which I most earnestly hope and believe may be most happily continued.

Renewing the assurance of my most distinguished consideration, I have the honor to be your obedient servant,

H. G. WORTHINGTON.

His Excellency MARIANO VARELA,
Minister of Foreign Affairs.

F.

Señor Varela to Mr. Worthington.

[Translation.]

FOREIGN OFFICE, ARGENTINE REPUBLIC,
Buenos Ayres, November 23, 1868.

MR. MINISTER: I have received the note of your excellency, dated the 21st instant, whereby your excellency is pleased to declare that the presence of the North American war vessels going up to Paraguay under Rear-Admiral Davis tends by no means on the part of the United States to interrupt the good and friendly relations existing between our governments, and that your excellency firmly believes and hopes they will be continued with every success.

My government cordially acknowledges this frank declaration, which credits once more the fidelity of the one which your excellency so worthily represents, and which (declaration) implies the noble promise of not using but towards peace and friendship between both countries the passage of the North American squadron by waters of the domain and sovereignty of the Argentine republic.

Begging of your excellency to be pleased to transmit to the government of your excellency this testimony of gratitude of mine, I have the honor to renew the assurances of my most distinguished consideration.

MARIANO VARELA.

His Excellency, General G. H. WORTHINGTON,
Minister Resident of the United States of America.

BRAZIL.

Mr. Webb to Mr. Seward.

[Extract.]

No. 57.]

LEGATION OF THE UNITED STATES,
Petropolis, Monday, January 27, 1868.

SIR:

* * * * *
This country is greatly agitated in consequence of the continuance of the fruitless war against Paraguay, and I have, therefore, to-day addressed a note to the minister of foreign affairs, a copy of which you will find inclosed, marked A.
* * * * *

I have the honor to be, very respectfully, your obedient servant,
J. WATSON WEBB.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Webb to Senhor Paranaguá.

LEGATION OF THE UNITED STATES,
Petropolis, January 27, 1868.

The undersigned, envoy extraordinary and minister plenipotentiary from the United States, has the honor to inform his excellency Joao Lustoza da Cunha Paranaguá, councillor to his Imperial Majesty the Emperor, minister and secretary of state for foreign affairs, that he is in receipt of a dispatch from the Hon. William H. Seward, Secretary of State of the United States, in relation to the war still pending between Brazil and her allies, against the republic of Paraguay, which declares that "the continuance of the war on the La Plata is a subject of deep concern in the United States."

In conformity with instructions to that effect, the undersigned again tenders to the belligerents the good offices of his government, and renews the proposals for mediation which he had the honor to submit on a previous occasion. And he is instructed to add, that while renewing the proposals heretofore submitted by the government of the United States in the interest of peace, the United States is neither tenacious of its own views nor jealous of the good offices of others. It belongs to the belligerent sovereign powers not only to choose the terms of peace, but the forms which should be adopted to secure it.

The undersigned is exceedingly desirous of avoiding everything which might, by possibility, be construed into a desire on the part of his government to intervene in the affairs of the different governments on the American continent. But the people of the United States have declared, through their representatives in Congress, that the pending war in the La Plata "is destructive of commerce and injurious and prejudicial to republican institutions," and the government of the United States, in obedience to instructions from Congress, renewed in February last, in the most formal manner, the tender of its good offices. When those good offices were declined, the undersigned was directed to "express to the imperial government the regret of the President and people of the United States, that the allies do not find it compatible with their rights and interests to avail themselves of the good offices of the United States, which were conceived in a spirit of entire respect and friendship for the several belligerents; and an earnest desire for the restoration of peace throughout the American continent." And Mr. Seward added:

"Not at all wedded to their own proposition, which has thus been disallowed, the United States will yet indulge a hope that the wisdom of the belligerent states will be competent to devise means, within a reasonable period, which may enable them to afford to their people the advantages and benefits of peace. Such measures being devised, any good offices that may be at any time required of the United States will be cheerfully rendered."

Another year of war has elapsed without apparently bringing the contest any nearer to a termination, and again the undersigned is instructed to tender the good offices of his government, and to inform Brazil "that the continuance of the war on the La Plata is the subject of deep concern in the United States."

The undersigned perceives with great regret the injurious effects of the pending war upon the labor, the commerce, the finances, and the general resources of the Brazilian empire, and he would be neglectful of his duty if he did not keep the government of Washington advised of these matters, and of the tone of public sentiment in regard to the war; at the same time that he fully exonerates Brazil from all responsibility in its occurrence, and most earnestly sympathizes with her in its continued protraction and most disastrous consequences. Deeply impressed with the expediency, if not the necessity, of an early termination of the war to Brazil, the undersigned experiences great satisfaction in renewing to Brazil the offer of the good offices of the government of the United States and the personal services of the undersigned, whenever they "may be at any time required," to bring to a successful issue any "measures devised" in the interest of peace, and calculated to benefit the people of the belligerents to this most disastrous war on the La Plata. The dangers to all parties from a continuance of the struggle are palpable, while the very serious consequences to the finances, commerce, labor, and future prosperity of Brazil are no longer matters of conjecture, but monstrous evils, absolutely present and brought home to the daily experience of all. That Brazil is, and has been, right from the beginning, no candid and intelligent man can for a moment doubt. But, whether right or wrong, the tax of this war upon the labor of Brazil, which is her one great want, cannot fail to check her prosperity for years to come; while its exhaustive strain upon her finances and future resources demands its termination at the earliest day compatible with the honor of the empire.

There are other considerations in favor of an early termination of the war, obvious to your excellency and the statesmen of Brazil, but to which it would be unbecoming in the undersigned to refer. It is manifest, however, that the people and the governments of the great commercial nations of the world are getting restive at the too probable continuance of a state of things in this region which promises no results. And while the government of the United States disclaims the remotest intentions of any, the slightest, interference with the purposes and actions of the belligerents, it may not shrink from conveying to Brazil the voice of its people, proclaimed through their Congress, that "the continuance of this war is a subject of deep concern," and that it is absolutely "destructive to commerce, and injurious and prejudicial to republican institutions."

The undersigned is happy to avail himself of this occasion to renew to your excellency the expression of his great personal esteem and most distinguished consideration.

J. WATSON WEBB.

His Excellency JOAO LUSTOZA DA CUNHA PARANAGUÁ,
Councillor to his Imperial Majesty, Minister and Secretary
of State for War, acting as Minister of Foreign Affairs.

Mr. Webb to Mr. Seward.

[Extract.]

No. 58.]

LEGATION OF THE UNITED STATES,
Petropolis, February 6, 1868.

SIR: General Asboth, the United States minister resident at Buenos Ayres, died on the 21st January.

* * * * *

I sent to the Presidents of the Argentine and Uruguayan Republics copies of my communication to the government of Brazil, renewing the

tender of good offices. You will find a copy of my letter inclosed, marked B.

* * * * * * *

I have the honor to be, very respectfully, your obedient servant,
J. WATSON WEBB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Webb to Mr. Hollister.

[Extract.]

LEGATION OF THE UNITED STATES IN BRAZIL,
Petropolis, February 1, 1868.

SIR: In consequence of the impossibility of the late General Asboth's having received instructions from Washington, which left here on the day of his death, it has become my duty to renew to the Argentine and Uruguayan Republics the tender of the good offices of the United States, in connection with the war in the river Plate, which were rejected last year. You will oblige me, therefore, on the receipt of this, by delivering in person the letter addressed to the President of the Argentine Republic, and by mailing for Montevideo the one addressed to the President of Uruguay.

* * * * * * *

I have the honor to be, very respectfully, your obedient servant,
J. WATSON WEBB.

MADISON E. HOLLISTER, Esq.,
Consul of the United States, Buenos Ayres.

Mr. Webb to the President of the Argentine Republic.

LEGATION OF THE UNITED STATES IN BRAZIL,
Petropolis, February 1, 1868.

The undersigned, envoy extraordinary and minister plenipotentiary from the United States, accredited to his Imperial Majesty the Emperor of Brazil, has just been apprised of the death of the minister resident of the United States accredited to the Argentine Republic. This melancholy event leaves the United States without any representative near your excellency, invested with the necessary diplomatic powers, to convey to the Presidents of the Argentine and Uruguayan Republics a renewal of the tender of good offices made by the United States, in 1867, for the termination of the pending war between the allies and the republic of Paraguay. And, in consequence, it becomes the duty of the undersigned to transmit to your excellency a copy of a communication made by him to the government of Brazil on the 27th ultimo.

If the late minister to the Argentine Republic had been alive when the mail from Washington, of the 25th of December, 1867, reached Buenos Ayres, beyond all doubt he would have conveyed to your excellency a similar communication. But Providence having interposed to prevent such a proceeding, it devolves upon the undersigned to convey to your excellency the earnest desire of the people of the United States to see peace restored on the La Plata, and the tender of the good offices of their government, to aid in bringing to a close the pending war between the allies and Paraguay.

The undersigned, therefore, in transmitting to your excellency a copy of his communication to the government of Brazil, has the honor to request that you will be pleased to consider it addressed also to the government of the Argentine Republic. And the undersigned is most happy to avail himself of the opportunity thus presented of conveying to your excellency the expression of his personal esteem and most distinguished consideration.

J. WATSON WEBB.

His Excellency the PRESIDENT of the Argentine Republic.

N. B.—I addressed a precisely similar note to the President of Uruguay.

WEBB.

Mr. Webb to Mr. Seward.

[Extract.]

No. 60.]

LEGATION OF THE UNITED STATES,
Petropolis, February 24, 1868.

SIR:

* * * * *

Great excitement, attended with very great exasperation against the government, exists among all classes in Rio de Janeiro, in consequence of its neglect to accept of the renewed tender of our good offices. I studiously concealed the fact of our having renewed the offer previously rejected; but they deemed it expedient to proclaim through their official journal that such renewed tender of "good offices" had been made, and the subject referred to the consideration of their allies. In the mean time they promised the public an immediate triumph of their arms.

* * * * *

Very respectfully, your obedient servant,

J. WATSON WEBB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Webb to Mr. Seward.

[Extract.]

No. 61.]

LEGATION OF THE UNITED STATES,
Petropolis, March 9, 1868.

SIR: I am happy to announce that the allied army and navy have achieved a great triumph over the dictator of Paraguay, and that in all probability the war in the river Plata is rapidly drawing to a close. Six of the iron-clads belonging to Brazil passed the fortress of Humaita on the 19th of February, and at the same time a combined attack was made by the army, which resulted in a complete victory over the enemy, and the capture of all the strongholds except Humaita, together with an enormous amount of munitions of war.

* * * * *

A revolution has broken out in the republic of Uruguay, and General Flores, the dictator, who had just abdicated in order that a President might be elected by the people, was assassinated in the streets by the leaders of the Blanco party. The outrage was followed by the slaying of one hundred and eighty of the Blancos; and thereupon order was restored in the city of Montevideo, where the Blancos are in a minority. In the country, however, they are in a large majority; and it would be idle to predict the final termination of this proceeding. The success of the allies against Lopez will go far towards restoring order in Uruguay. That success was most timely. Had it been delayed another three weeks at farthest, both Uruguay and the Argentine republics would have withdrawn from the alliance with Brazil.

Very respectfully, your obedient servant,

J. WATSON WEBB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[From the Buenos Ayres Standard, February 25. 1868.]

*GREAT NAVAL VICTORY—THE BATTLE OF HUMAITA.

The cannon of the Brazilian iron-clads, as they forced the passage of Humaita, has re-echoed over this continent, and will reverberate through Europe. No event of equal importance has occurred in this part of the world during the present generation; and, to the high honor of the Brazilian flag, it must be said that the naval victory achieved is every way worthy to rank with Aboukir or Trafalgar.

Brazil may well be proud of her victory, for not only will it give her the complete command of the Paragnayan river, and crumble the greatest bulwark of Paraguayan strength, but it has given a birthday to her naval power which posterity will revere.

Party feeling and political rancor may seek to strip this great naval victory of its magnitude, and attribute the success less to the bravery of the Brazilian sailor than to the worn-out and exhausted condition of the enemy; but we have it on the best of authority that the guns of the fortress were fired with the most incessant rapidity, and that such was the terrific effect of this awful discharge of heavy artillery, that the earth shook at Itapiru, a distance of seven or eight miles from Humaita, and the river dashed in billows on its banks. This proves that the guns of Humaita were well manned, and that notwithstanding the immense delays the enemy was well prepared to dispute the pass. Experienced American and English and French naval officers, who had seen Humaita, inspected the position, and gone through the batteries, all unanimously agreed on its extreme strength. For three years the greatest squadron ever known in these waters has ridden at bay below range of the guns; the difficult navigation of the river, the constant bends in the channel, all tended to convince a doubting and possibly jealous public that Humaita would never be passed by a Brazilian fleet. But Brazil has at last vindicated her honor and established a naval reputation before which the rest of South America must bow.

The passage of Humaita is equally a triumph of science, and we commend it to the attention of our naval men at home, that three Brazilian iron-clads, all built in England, survived for forty-two minutes the combined fire of one hundred and eighty guns, and this for at least half the time within pistol-shot range. We have nothing previous in naval history to equal this; on the contrary, naval men, since the memorable battle of Lissa, lost faith in these iron-clads; but we hold that the battle of Humaita establishes forever their supremacy, and Europe may take a lesson from the engagement. No fight in North America, no engagement in the open seas, can be compared with this memorable battle. The ships had to double the projecting headlands to make the canal, when they at once came within range of a raking fire from the London battery. They had to push on under this fire and hug the very shore where the finest artillery in South America were splendidly mounted to riddle them; up almost to the very mouths of the guns they had to steer, all the while enfiladed by 140-pounders from the opposite bank. Doubling again a slight bend in the canal, they came where the chains lay in the river, and the chain batteries facing on the left bank. Iron plates have, indeed, asserted their supremacy, when, for the space of forty-two minutes, three monitors could live under such a fire. And let us take nothing from the bravery of the officers and men who dared almost certain death to carry their flag triumphant in such an hour. No, the Brazilian commander has proved the bravest of the brave, and he and his men merit the highest recompense their country can afford.

The fortress of Humaita is not of yesterday's formation. If it took three years to humble, it took ten times that to erect. The earnings of a whole nation, the wealth of a country, aided by the best engineering talents Europe could afford, have all been brought into subserviency to render Humaita impregnable. None who have ever seen the place have questioned its strength. Old President Lopez had such implicit faith in its impregnability that he believed if even Xerxes attacked Paraguay he could not pass Humaita. The same implicit confidence in its strength was inculcated in the minds of the Paraguayan people. Their watchword was "Humaita!" and possibly to the exaggerated idea of its strength by the present Lopez may be traced the grave political errors which, step by step, led this unfortunate man from the cautious policy of his father to become the great champion of river Plata equilibrium.

Brazil, by this victory, has flung open the navigation of Paraguay to the world. Shall we question the importance of this engagement when such are the results? It may be that the hardy Paraguayans will still cling round the banner of their unconquered leader; it may be that on the hill-tops in their native country they will light watch-fires, and dispute inch by inch their native soil with the invader.

Already this extraordinary people have given proofs of courage and patriotism which wrings, even from their enemies, admiration and respect. But, in the interest of humanity, we now appeal for peace. The chief and great object of the war is at last at hand. Humaita, and not Lopez, was the real stumbling-block in the way; the stupidity

of South American politicians tolerated its erection; the blood of thousands has at last washed away its battlements.

The victory, in a political and in a moral light, is complete; and if this war has cost millions of treasure and torrents of blood, we trust that its results to the river Plate and Brazil will be commensurate.

GREAT VICTORY OF THE ALLIES—STORMING OF FORT "ESTABLECIMIENTO."

At dawn on the morning of the 19th the whole allied line advanced and simulated an attack on the enemy's lines at Tuyuti, Tuyu-Cue, and even facing Tayi. The outposts of the Paraguayans returned the fire, but for some time the divisions did not come up. A little after daybreak an immense rocket, seen all along the lines, shot into the heavens, the signal that the monitors had passed the Humaita fortress, and heavy guns from the north proved that the iron-clads were shelling Humaita from the north, while the rest of the squadron kept booming from their old position.

Suddenly the shrill Brazilian trumpets were heard to echo in the woods, and a picked force, the finest the Brazilian army could boast of, about sixteen or seventeen thousand strong, emerged from the encampment, headed by Marshal Caxias. The men marched in close column, and, when approaching the trenches, came under a tremendous fire; but the Brazilian legions pushed on, nothing daunted, and never halted until they came upon the bristling bayonets of the heroic garrison. The Paraguayans fought with their wonted heroism, but nothing could withstand the charge of the Brazilians; they leaped the ditches, and in an instant poured in on all sides on the strongest fort outside of Humaita.

As might be expected, the carnage was terrific, for before the serried columns of the Brazilians got to the trenches fully five hundred men lay stretched on the plain. The Paraguayan officer in command, a young man named Gill, finding it impossible to hold out, drew off his men in good order, and got into Humaita; but the place is even more important than Curupaity; it is the key to Humaita. The guns were not spiked, and are now in the hands of the Brazilians. The position is, however, very exposed for the allies, and difficult for Caxias to retain over twenty-four hours, unless Humaita falls. The adjoining fort, Laureles, it was thought, would surrender, being cut off from Humaita by the allies.

FURTHER PARTICULARS.

ITAPIRU, *February 21, 1868.*

Fighting still going on at all points. Tremendous cannonade in the river. No more iron-clads gone up. Humaita holds out, and this place full of all sorts of rumors. It is asserted that Lopez is in Humaita, and that Barrios and Resquin are there also.

[Per steamer Parana.]

STILL LATER.

CORRIENTES, *February 23—6 a. m.*

Fighting still going on. Two iron-clads gone up to bombard Asuncion, and were attacked by several chatas from the Chaco side.

One of the Brazilian commanders and a pilot blown to pieces in passing Humaita. Paraguayans still working trenches. Lopez has electric light in the Chaco.

THE WAR IN THE NORTH—ATTACK OF HUMAITA—OFFICIAL DISPATCH.

FUERTE ESTABLECIMIENTO, *February 19.*

To his Excellency BARON DE HERVAL:

I have the extreme pleasure of informing your excellency that at 5 a. m. this morning I commanded an attack, with part of the troops which had been brought up from Tuyucue, against a fort of the enemy's called Establecimiento, which is a little beyond Laureles, and a place of the greatest importance to Lopez for maintaining communications and facilitating the supply of cattle.

The fort was surrounded by two deep ditches and formidable earthworks, on which were placed at convenient points fifteen light field-pieces. The garrison was about one thousand six hundred strong.

Against this formidable battery our men advanced openly, and the bravery of the attack well merited the success with which it was eventually crowned. After a stubborn resistance the garrison were overpowered, and retreated disorderly across the adjacent bogs, pursued by our victorious battalions.

The enemy's loss is from five hundred to six hundred killed, and leaving in our possession, besides the fifteen mounted guns mentioned above, a large quantity of arms and ammunition held in reserve. On our side there were about six hundred *hors de combat*, including killed and wounded.

Your excellency will please not fail to forward at once as many carts as you can secure, even at the expense of commercial interests. These measures are of the utmost importance, so that the wounded and prisoners should not remain long exposed here.

This evening I purpose sending to San Solano the two brigades which suffered most in the attack, the remainder staying to occupy the position.

I purpose leaving immediately for Tuyi, to confer with the Captain del Mar y Guerra, Delfin Carlos de Carvalho, whom, as I have just been informed by Field-Marshal Victorino, forced the passage of Humaita at daybreak to-day with the monitors and iron-clads. My object in conferring with the gallant admiral is to plan our subsequent movements, following up our present successes.

Congratulating your excellency on these glorious events, I have the honor to remain,
CAXIAS.

FURTHER PARTICULARS.

CORRIENTES, *February 20.*

As I announced in my last, the attack on Humaita was inevitable. Time, the great test of all things, has proved the truth of my assertion. The great and long-expected attack on Humaita has taken place. The invincible stronghold of tyranny and the bulwark of the only little corner in free America where haughty oppression ruled has been overcome by the Brazilian iron-clads.

A division of the imperial navy, consisting of three iron-clads under the command of Carvalho, at half-past three yesterday morning forced the passage of Humaita. At the same time the wooden fleet kept up a steady fire on the land batteries at Curupaiti and at Piris and Paso Pucti.

The army, from 2 o'clock in the morning, stood ready to attack along the entire line from Tuyi to Tuyuti. At 3 a. m. a feint attack was made, and then the squadron commenced to force the pass, which took forty-two minutes to effect. The iron-clads suffered very little. The moment Caxias knew of the fleet having passed, he ordered the whole line to fall back.

The Brazilians having taken two important fortresses to the north of Humaita, Lopez is cut off from the Gran Chaco; it is impossible, therefore, that Humaita can hold out much longer.

The monitors can run up the Tebicuari, and thus facilitate the crossing of the allied army, in order to attack Lopez's reserved force stationed behind that river. In a few months it is possible, therefore, the war will be over.

Marshal Caxias deserves the highest praise for his tactics, which have led to such an important success.

On the morning of the 17th an ugly fight took place between Paraguayan and Argentine forces; the latter lost eighty men and a commander, and the enemy lost about the same.

E. P.

THE WAR IN THE NORTH.

GRAN CHACO, *February 18.*

GENTLEMEN: On the 13th I left Itapiru in one of Mr. Lanuz's steam transports, loaded with commissariat stores, bound to Curuzu. The recent heavy cannonade heard in that direction impelled me to the undertaking. In due time we arrived at La Guardia Cerrito, where a short stay was made in order to land cargo. Here were four Brazilian gun-boats, a bomb vessel, five pontoons, six sea-going sailing vessels, (mostly Dutch,) seven transport steamers, besides a number of river craft. Here is also an arsenal well supplied with all the paraphernalia necessary to promote the rapid progress of civilization and the swift onward march of intellect. Guns, mortars, large piles of cannon-balls, and shells, explosive shot of every description, iron, timber, and heaps of coals, containing many thousands of tons, and an extensive machine shop; in fine, the Ports-

month of the naval forces stationed in Paraguayan waters. Also may be seen a neat, decent chapel, hotels, billiard tables, not forgetting a photograph concern, a hundred or more stores of sutlers, who have been driven out of their shanties by the freshet, and have taken refuge upon a strip of high ground near at hand, which is overrun with snakes, lizards, rats, toads, spiders, scorpions, ants, and every other species of horrible vermin near at hand. Judging from the numbers of empty brandy casks, the smashed demijohns, and bottles seen in all parts, the consumption of alcoholic drinks must be very large, particularly of Hamburg gin, English ale, or "vin ordinaire." The place is under strict military rule.

Proceeding on the voyage, we pass a gunboat anchored at the entrance to the Laguna Piris. Shortly after, we passed the Brazilian transport Donna Francisco, which has lately been sunk in consequence of having come in collision with an iron-clad. The transport has since been got afloat, and is now moored to a clump of willow trees upon the coast of an island, in company with a gunboat.

Six leagues distance from La Guardia Cerrito we reach the fleet of gun-boats at anchor in the stream, abreast of the abandoned works of Curuzu, and go alongside of the commodore's ship for orders. Here were eight gun-boats, two bomb-sketches, four sea-going vessels, a floating battery, seven pontoons, and a few river craft.

Opposite the fleet, upon the Chaco side, is the entrance to the arroyo, (Anglice "dirty creek," and a very objectionable place to remain at, even for a short time,) which we enter; it is scarcely twenty yards wide at its mouth, and has the same breadth for five miles, which was as far as we navigated. It inclines to the westward, following a serpentine course. The current is scarcely perceptible; the water is very black, has an offensive smell, brackish, and highly insalubrious. Infamous as are the bogs and fens of the Estero Bellaco, yet there it is a paradise in comparison. At the mouth of the arroyo, upon the left bank, is the starting point of the railroad which goes close to the brink of the creek, following all its sinuosities. For a distance of three miles from the starting place there is not a trace visible of the railway, other than pieces of floating timber; all else appertaining to the road is deeply submerged, the land on all sides, far and near, covered with stagnant water, a perfect hotbed of pestilence, abounding with tormenting insects. At a league's distance from the main stream the ground is higher, where the rails are in places discernible. Here are numerous abandoned ranchoes, (the huts that served the Brazilian soldiers as quarters,) and earthworks partly under water, the garrison of which has been ejected by the creechente, and have taken a new position upon higher ground further inland, where they are fortifying themselves again, and building new huts with all possible expedition. We perceived two shining bright brass guns in the abandoned works, the water reaching up to their muzzles, a sad proof of the deficiency of mother wit. However, the new works are amply supplied with efficient artillery; still, it would be well to remember the fate of the Whitworth gun, that, since its capture, has caused much mischief to the allies.

From where the railway becomes visible, it leaves the creek, taking a northerly course; hence to where the iron-clads are the distance is two miles; in places the ground is miry, the rails sunk in the mud; of course, as a means of transportation the railway is of no avail.

In the mean time the necessities requisite for the beleaguered iron-clads have to be carried upon the backs of mules, or in tumble-down carts, which are continually sticking fast in the pantanos. I must not omit to mention that the sleepers of the track are of hard Brazil wood, a foot broad, of a suitable thickness, and are placed a vara asunder, to which the rails are permanently fixed; a telegraphic line accompanies the track. The Brazilians have explored the arroyo forty leagues inland, and found it to be navigable thus far, flowing through a well-timbered country, inhabited by a few families of filthy Guaycuru Indians, whose sole shelter from the inclemency of the weather is the branches of trees, being too lazy to build huts; as for planting, they never do it, living upon carpinchos, ostrich eggs, and wild honey. Like all other barbarians, they are exceedingly fond of strong drinks and tobacco.

Upon the right bank of the arroyo, at a mile's distance from its mouth, and a little way in the interior, are seen the vestiges of the ancient "Mission" of San Fernando, where the Jesuit Dobrizhoffer labored twenty years, and here composed a Latin history of the Alipone Indians, a work which long since has been translated into every European language; quoted by Southey, Sir Woodbine Parish, Commodore Page, and others. Late in the evening of the 13th, the three monitors passed Curupaíta. As soon as perceived, the battery opened a furious cannonade. The only damage done by it was striking the hindmost monitor twice, doing no injury whatever, while the gunboats sent a very storm of shot and shell at the enemy's works, probably without causing much effect. On the 16th one of the Newcome monitors, under the command of Señor Ioquim, passed the obstruction at Humaita, and returned in triumph. Yesterday there was a report of an encounter at the Tuyu-Cuó; that Pipo, the commandant of the foreign legion, and one hundred of his men, had been killed. We do not vouch for the truth of the statement; still there was much firing in that quarter at the time, and subsequently the distant vessels were seen with colors at half-mast.

GRAN CHACO, *February 20.*

GENTLEMEN: Yesterday, at 3 a. m., the long-contemplated move to force the passage of Humaita was made, when an unheard-of cannonade commenced, which was truly awful; the heavy artillery of the iron-clads and monitors was fired in rapid succession, while the guns of the fortress were quickly plied. This continued till 10 a. m. without a moment's pause; the reports came faster than one could count; those of the enemy made the loudest sound, as the mounds of their guns were pointed in the direction of the Chaco, while those of the Brazilians were directed in an opposite way. Both parties made a lavish use of shells, explosive shot, and Congreve rockets. A dense cloud of white smoke covered the horizon as the firing was going on. As for the results of the infernal din, all that can be said with certainty is, that three iron-clads and three monitors have passed the obstruction, and are above Humaita, where they are annoying the enemy from the north, while those that remain below are not inactive. On board of the gunboats there is a grand display of bunting, music, and much glee. Nothing is known positively of the affair other than the iron-clads and monitors were maltreated somewhat in the passage, and the fortress badly mauled. It could not be otherwise, as the cannonade was kept up at close quarters.

It is now 12 m.; firing of heavy artillery has been going on at intervals since early dawn. It is the prevalent belief that Humaita will soon surrender. It is out of the question to forward any details at the present moment that may be relied upon. All is wild excitement and bustle. The weather is awfully hot, particularly so for the past few days.

Truly yours,

SINBAD.

Mr. Seward to Mr. Webb.

No. 226.]

DEPARTMENT OF STATE,

Washington, March 23, 1868.

SIR: Your dispatch of the 27th of January last, No. 57, has been received.

Your proceeding in renewing the tender of the good offices of the government of the United States to the government of Brazil, with a view to the restoration of the peace on the Parana, is approved and commended.

To guard, however, against possible misapprehension, I think it proper to say that the President is not to be understood as adopting or sanctioning that portion of the communication which you have made to the Brazilian minister and secretary of foreign affairs, in which you remark that you fully exonerate Brazil from all responsibility in the occurrence of the war. This government has at no time thought it necessary or expedient to assume to pronounce on the merits of that unhappy and protracted controversy.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES WATSON WEBB, Esq., &c., &c., &c.

Mr. Seward to Mr. Webb.

No. 227.]

DEPARTMENT OF STATE,

Washington, March 23, 1868.

SIR: Your dispatch of the 6th of February, No. 58, has been received. It contains our first official or reliable information of the lamented death of the late Major General Asboth, United States minister resident at Buenos Ayres; accredited also in the same capacity to the government of the Oriental Republic. As the deceased had been a gallant and effect-

ive soldier **at home**, so he was an enlightened and indefatigable representative of the country abroad. His death is deplored by the President, and will awaken profound sorrow throughout the United States.

The letter which you addressed to Madison E. Hollister, United States consul at Buenos Ayres, on the occasion of the minister's death, is approved; as also are the letters which you addressed to the President of the Oriental Republic, renewing the tender of the good offices of the United States for the establishment of peace among the nations upon the banks of the Parana.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES WATSON WEBB, Esq., &c., &c., &c.

Mr. Seward to Mr. Webb.

No. 228.]

DEPARTMENT OF STATE,
Washington, March 30, 1868.

SIR: I herewith inclose to you a copy of a communication addressed to this department by James A. Scrymser, projector and director of the International Ocean Telegraph Company, desiring to obtain aid and authority from the Brazilian government to extend the lines of his company over the West India Islands to a convenient point on the coast of Brazil.

You are instructed to give such assistance as may be in your power towards effecting the accomplishment of the object in view.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES WATSON WEBB, ESQ., &c., &c., &c.

Mr. Scrymser to Mr. Seward.

OFFICE OF THE INTERNATIONAL OCEAN TELEGRAPH COMPANY,
No. 88 LIBERTY STREET, New York, March 14, 1868.

SIR: As projector and director of the International Ocean Telegraph Company, I am desirous of obtaining from the government of Brazil the necessary privileges as will allow the extension of the lines, via Cuba, connecting with the company I represent, to land on a convenient point on the coast of Brazil.

And I would be much pleased if Mr. Seward would authorize our minister in Brazil to present the application forwarded by the steamer of the 22d instant, and to instruct him to give such assistance as may be in his power towards effecting the accomplishment of the enterprise in view.

I have the honor to be, very respectfully, your obedient servant,

JAS. A. SCRYMSER.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Webb to Mr. Seward.

[Extract.]

No. 65.]

LEGATION OF THE UNITED STATES,
Rio de Janeiro, April 25, 1868.

SIR: I have the honor to inclose the official replies of "the allies" to my renewal of our tender of our "good offices." Circumstances beyond

my control render it impossible to furnish translations by this steamer, and therefore I forward the original.

"The allies" assume that the war in the river Plata is virtually at an end. The future call upon them for men and money will be the best commentary upon the accuracy of this assumption.

João Silveira de Souza has been appointed minister of foreign affairs, *vice* Albuquerque, deceased.

* * * * *

Very respectfully, your obedient servant,

J. WATSON WEBB.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Senhor Ellauri to Mr. Webb.

[Translation.]

DEPARTMENT OF FOREIGN AFFAIRS,
Montevideo, March, 1868.

MR. MINISTER: The Oriental government had the honor to receive, in due time, your communication, dated the 1st of February last, addressed to the President of the republic, and containing a copy of your note to the minister of foreign affairs for the empire of Brazil, renewing, by order of your government, your good offices for the settlement of the war now carried on by the allied countries against Paraguay, hoping, by an amicable intervention of the United States, to come to a solution that may prove satisfactory to the belligerents.

Recent lamentable events that have occurred in this city, now known to the world, deeply disturbed the government internally, and prevented a more prompt reply to your important communication; but now that the country is restored to its constitutional order, the President thinks this a propitious moment to answer your note, and instructs the undersigned to do so in the following manner:

Some time ago the worthy minister of the United States, in the name of his government, sent to the minister of the republic a communication similar to the one you have just sent, expressing a sincere wish to settle the question now debated between the allied countries and Paraguay in a just and honorable manner.

At that time the provisional government regretted to be obliged, for reasons communicated to your government through its minister, to reject the mediations so freely and sincerely offered.

We are sorry to say, Mr. Minister, that the same reasons still exist for refusing the pacific proposition of your government, and therefore the President, through the undersigned, respectfully informs you that it is impossible to take the note of the United States government into consideration in such a manner as to receive the proposed result, because the same reasons given to your government by our minister for not accepting the proposal still exist. All we can say in this communication is to request you to thank your government, in the name of this republic, for the new proof of friendship and interest for the well-being of this country which has just been received from the North American government.

Moreover, Mr. Minister, the latest news from the seat of war, announcing that the Brazilian squadron had passed the battery of Humaita, gives good cause to expect a speedy conclusion of the war.

Having thus replied to your communication, by order of his excellency the President, the undersigned has the honor to present you the assurance of his very high and distinguished consideration.

JOSÉ. E. ELLAURI.

His Excellency J. WATSON WEBB,

Envoy Extraordinary, &c., from the United States to Brazil.

Senhor Elizalde to Mr. Webb.

DEPARTMENT OF FOREIGN AFFAIRS,
Buenos Ayres, March 24, 1868.

SIR: I had the honor to receive your note of the 1st of February last, making known to his excellency the President the renewal of the proffer of good offices made by the

United States of America to put an end to the war pending between the Argentine Republic, the empire of Brazil, and the Oriental Republic of Uruguay, and the government of Paraguay.

In thanking you for that communication, made because your government was without diplomatic representation here, owing to the death of the minister resident accredited to the Argentine government, I have the pleasure to inform you that the allies were consulted in regard to the answer to the friendly offers of the government of the United States, and this was done for want of diplomatic representation, which obliged you to transmit the documents that came to hand in due time.

I am pleased to have this occasion to repeat to you the assurances of my high and distinguished consideration and esteem.

RUFINO DE ELIZALDE.

His Excellency Hon. J. WATSON WEBB,
Minister Plenipotentiary, &c., from the United States to Brazil.

Senhor Paranagua to Mr. Webb.

[Translation.]

RIO DE JANEIRO, DEPARTMENT FOR FOREIGN RELATIONS,
April 8, 1868.

The undersigned, of the council of his Majesty the Emperor, minister and secretary of state for affairs of war, and *ad interim* of foreign affairs, has before him the note which, under date of 27th January last, General James Watson Webb, envoy extraordinary and minister plenipotentiary of the United States of America, was pleased to address to him, renewing the offer of good offices of the government of the United States for the termination of the war with Paraguay, and the proposals for mediation, which, with this object, were presented in a note of 21st January, of the year last past.

As I declared to General Webb when I acknowledged the reception of his note of the 27th, I had to hear from the allies of the empire before giving a definitive answer.

This obligation of loyalty discharged, I now have the honor to state to the general, after thanking him in the name of the imperial government for this fresh proof received of the friendly feelings of the people and government of the United States towards Brazil, that the same reasons continuing which were already explained in the note from this department of the 26th of April of last year, which would prevent the government of Brazil and her allies from accepting at that time the first proposition of the United States, and, beyond that, the close of the war approaching, as was to be hoped from the important fact of the passage of Humaita, and the events which have followed, the same government cannot at this day act differently. Thus, therefore, the imperial government thanks, but feels that it cannot accept the generous proffer which is made to it, and trusts that the United States will acknowledge that she is justified in her action.

The undersigned avails of the occasion to offer to General Webb the reiterated assurances of his highest consideration.

JÓÃO LUSTOSA DE CUNHA PARANAGUA

General JAMES WATSON WEBB.

Mr. Webb to Mr. Seward.

[Extract.]

No. 68.]

LEGATION OF THE UNITED STATES,
Rio de Janeiro, July 7, 1868.

SIR: I have the honor to inclose a communication from Rear-Admiral Charles H. Davis, commanding the United States South Atlantic squadron, in which he advises me that the United States steamer Wasp, sent by him to Asuncion to bring from there our minister, Mr. Charles A. Washburn, and family, and thereby remove them from their "embarrassing and possibly dangerous situation," has been prevented passing the

lines of the allies by the Marquis de Caxias, the Brazilian commander of the allied forces.

You will perceive from the correspondence accompanying Admiral Davis's communication, that the United States steamer *Wasp* arrived at Curupaiti, the headquarters of the allies, on the 25th of April, and remained there until the 11th of June, *forty-seven days*, when her commander was compelled to return to Montevideo without accomplishing the object of his visit, in consequence of the persevering refusal of the Marquis de Caxias to permit the steamer *Wasp* to pass up to Asuncion, although he was very willing to send a Brazilian iron-clad up the river under a flag of truce and the protection of the stars and stripes, to spy out the state of affairs in Paraguay. Nay, he was quite willing that on the return of the iron-clad she should, similarly protected, pass Humaita and land Mr. Washburn and family *below* that fortress, which iron-clad, it is said, cannot repass that strong hold!

The admiral's report of what has occurred on the Paraguay was placed in my hands on the 1st day of July, and on the 2d, at 2 p. m., my private secretary and clerk of this legation placed in the hands of the minister of foreign affairs the official note of which inclosure B is a copy.

I assume that your opinions, as expressed in dispatches 170, 171, 174, and 180, and the instructions therein in regard to Mr. Washburn's detention in going to his mission—there being no other mode of reaching it than by the Paraguay River—are equally binding upon me in regard to his *return*, when, at your request, a national vessel has been sent for him in the well-grounded conviction that "the settlement of this annoying question" in 1866 was a finality. The offense at that time perpetrated against the "sovereignty and honor of the United States" might be palliated on the plea of ignorance, but not so now; and consequently its repetition by the Marquis de Caxias, and the circumstances under which it has taken place, are doubly offensive, and doubtless are intended so to be. Such, at all events, is public opinion here; and as the fact of the *Wasp's* return was officially known to this government and communicated to the press eight days before the admiral made his communication to me, and as up to this time it has not leaked out that I have moved in the matter, the triumph of Brazil is considered complete.

You will perceive by my note to the minister of foreign affairs that I assume the Marquis de Caxias has acted without authority, and that his conduct will be apologized for and disapproved; and, thereupon, I demand his *censure* in the language you used in instructing me to make a similar demand in reference to the conduct of the President of Maranhão, and consequently I urge the immediate issue of instructions to permit one of our national vessels to proceed to Asuncion without delay or hindrance from the allied forces at Curupaiti.

* * * * *

I have recently asked for a furlough, and considering the state of my health and that of my family, there are those who, if I demanded my passport, would ascribe my doing so to my desire to return to the United States, even at the sacrifice of the peace of the country. To avoid this imputation, therefore, and at the same time be within reach of instructions from you, I shall, if compelled to demand my passport, repair to Buenos Ayres.

Besides the mail line of steamers to Brazil, England has two commercial or freight lines to Rio. One of these, from Buenos Ayres, will touch here about the 12th instant. By that time the intentions of this government will have been communicated to me, and I shall of course

write to our legation in London the necessary telegram, to be transmitted to you by the Atlantic cable.

Very respectfully, your obedient servant,

J. WATSON WEBB.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Webb to Senhor Silveira de Souza.

LEGATION OF THE UNITED STATES,
San Domingo, July 1, 1868.

The undersigned, envoy extraordinary and minister plenipotentiary from the United States, begs leave to inform his excellency João Silveira de Souza, councillor to his Imperial Majesty the Emperor, minister and secretary of state for foreign affairs, that he has this day received a communication from Rear-Admiral Charles H. Davis, commanding the United States South Atlantic squadron, informing him that the United States steamer Wasp, sent by him to Asuncion for the purpose of bringing from that city the United States minister, Charles A. Washburn, and family, has been prevented by the commander of the allied forces from going to Asuncion, as her commanding officer was ordered to do, in the performance of a duty to which he was assigned, by command of Admiral Davis, in obedience to instructions from the Secretary of the Navy, based upon an application from the Hon. William H. Seward, the Secretary of State of the United States; and, in consequence of such grave denial of the rights of the United States, the commander of the steamer Wasp, after making repeated applications to pass the lines of the allies engaged in a war against the government of Paraguay, has returned to Montevideo, and reported to the commanding officer of the United States South Atlantic squadron that he has been prevented from executing the duty upon which he was detached by the peremptory refusal of the commander-in-chief of the allied forces, the Marquis de Caxias, to permit him to pass his lines on the Paraguay.

This very extraordinary and most unjustifiable proceeding on the part of Marquis de Caxias, "commander-in-chief of all the Brazilian forces, and, in the interim, of the allied armies," as he signs himself, is in open defiance of the rights of the United States, and, in view of what transpired between the undersigned and the government of his Imperial Majesty in August, 1866, is an outrage against "the sovereignty and honor of the United States" which calls for prompt and severe censure of the offender.

When, in 1861, the President of Maranhao outraged the feelings of a friendly nation by admitting the pirate Sumter within his port, and furnished her with the necessary coals and provisions wherewith to continue her depredations upon the unarmed and unprotected commerce of the United States, and when the then minister of foreign affairs justified that act of the President of Maranhao, the Secretary of State of the United States said "the proceedings of the President of Maranhao, and the approval of his conduct by the minister of foreign affairs, is intolerable," and the undersigned was directed to "ask that such measures shall be taken in regard to the case as will make the President of Maranhao sensible of his Majesty's displeasure."

The proceedings of the Marquis de Caxias against the "sovereignty and honor of the United States" is far more offensive than was the conduct of the President of Maranhao, because he well knew that in 1866 the United States had formally advised Brazil that she would permit no such violation of her sovereign rights, and that Brazil had thereupon reconsidered and reversed her offensive action. He has therefore acted with full knowledge that he was grossly offending the sovereignty and honor of the United States, and setting at defiance its remonstrances and the recognition of those remonstrances by Brazil.

Rear-Admiral Davis, in his official note to the undersigned, says: "Acting under instructions from the Secretary of the Navy, I recently sent the United States steamer Wasp, of my squadron, to the seat of war, for the purpose of taking Mr. Washburn and family out of Paraguay, in compliance with a request from the Secretary of State to relieve Mr. Washburn from his embarrassing and probably dangerous situation." This humane purpose on the part of the government of Washington has, your excellency well knows, been thwarted by the representative of Brazil on the Paraguay, he well knowing at the time that he was outraging the "sovereignty and honor of the United States," and setting at defiance the explicit understanding at which the United States and Brazil had arrived in 1866.

The undersigned therefore feels it his duty to ask such censure of the Marquis de Caxias as, in the name of his government, he demanded when the President of Maranhao offensively placed the piratical vessel of parties in rebellion against the United

States on a footing of equality with the national ships of the friendly nation against which they were in rebellion.

That Brazil will promptly and most emphatically repudiate the extraordinary and very unfriendly conduct of the Marquis de Caxias, the undersigned does not for a moment doubt; and as his indefensible interference has already caused a delay of at least four months in relieving the United States minister and his family from what his government consider an "embarrassing" and possibly "dangerous situation," the undersigned earnestly entreats that the government of Brazil will, without any unnecessary delay, issue instructions that all hindrance to the United States steamer Wasp passing through the lines of the allies be withdrawn, and promptly advise the undersigned that such hindrance has altogether ceased, in order that he may inform the commanding officer of the United States South Atlantic squadron that there will be no further interference by any representative of Brazil with the performance of his duty to humanity and to his government.

The undersigned avails himself of this occasion to renew to his excellency the assurance of his respect and high consideration.

J. WATSON WEBB.

His Excellency JOÃO SILVEIRA DE SOUZA,
Councillor to his Imperial Majesty the Emperor,
Minister and Secretary of State for Foreign Affairs.

Admiral Davis to Mr. Webb.

UNITED STATES FLAG-SHIP GUERRIERE, (1st rate,)
Rio de Janeiro, July 1, 1868.

DEAR SIR: Acting under instructions from the Secretary of the Navy, I recently sent the United States steamer Wasp, of my squadron, to the seat of war for the purpose of taking Mr. Washburn out of Paraguay, in compliance with a request from the Secretary of State to relieve Mr. Washburn from his embarrassing and probably dangerous situation. The commander-in-chief, Marquis de Caxias, declines to allow the Wasp to go up to Paraguay, and while he professes a desire to facilitate Mr. Washburn's departure, he proposes such methods of accomplishing it as are regarded by Mr. Washburn either as impracticable or illusory. It would be very gratifying to me, as a means of carrying out the wishes of the department, and very acceptable to Mr. Washburn, whose desire to leave Paraguay shows itself plainly in his letters, if you would procure an order from the government here to the commander-in-chief to allow the Wasp to go up the Paraguay to a convenient point of embarkation.

President Lopez offers no obstacles to Mr. Washburn's departure, but, on the contrary, promises to aid it.

The inclosed copies of a correspondence with Mr. Washburn and the Marquis de Caxias will make you acquainted with the relations of the parties, and will save my writing a long letter.

Very respectfully and truly, your friend and obedient servant,

C. H. DAVIS.

His Excellency J. WATSON WEBB,
Envoy Extraordinary and Minister Plenipotentiary
of the United States in Brazil, Boa Viagem.

Mr. Washburn to Commander Kirkland.

HEADQUARTERS PARAGUAY ARMY,
San Fernando, May 14, 1868.

SIR: Your two letters of April 26 were received by me in Asuncion on the 7th instant. In your official note you advise me of the arrival of the Wasp, under your command, at Curupaiti, and that you are in readiness to take me, my family, and effects on board, and convey me to such point on the Rio de la Plata as I may prefer. You are probably aware that all land communication between this point and Curupaiti is very difficult, and that it would be impossible or nearly so for my wife, child, and servants to reach the latter place except by way of the river. You are also aware that for military reasons the Paraguay steamers do not go so far down the river. In order therefore that my family may be put on board the Wasp it is necessary that it should come higher up the river. I have therefore come down to this place to consult with his excellency Marshal Lopez, and ascertain if the military situation were such that the Wasp could without risk or difficulty come up the river to near this place. His excellency advises

me that there will be no objection made on the part of Paraguay, and that the steamer can come without inconvenience to such point below the mouth of the Tebicuary as may be signaled on her arrival. At such point the transfer of all persons and effects from a Paraguay vessel may be easily made.

His excellency not only interposes no objections, to the coming up of the Wasp, but with great kindness and courtesy he has offered me letters to the commanders of the two fortified places on the river between here and Curupaiti, in which he has given orders that on your arrival at those places you will be allowed to pass without molestation. These letters I inclose to you herewith to be delivered by you accordingly as they are addressed. His excellency President Lopez has also offered kindly to provide a pilot for the steamer from Humaita to and above Timba, should it be found necessary. I think therefore you will have no difficulty in coming up to near this place.

With your letter of the 26th April I also received one, dated April 4, from Mr. Hollister, United States consul in Buenos Ayres. In this he advises me that a few days before he had delivered to the honorable Mr. Borges, Brazilian minister in Buenos Ayres, a package of correspondence, including dispatches from Washington, from Admiral Davis, and from Minister Webb, besides private letters, and that he had promised to forward them with a letter to the Marquis de Caxias, requesting him to pass them through the military lines. The consul also advised me that he had been presented with a bill against me for some provisions that had been sent some months before, and that he would notify you of the fact, that you may look for them and take them on board if you found them, and bring them up the river to me. But neither the dispatches nor the provisions have ever reached me, and you make no mention of having looked for them in your letters. It is very important that I receive everything intended for me before the Wasp returns, and I trust you will try and find all that may have been sent, and bring it with you.

I return immediately to Asuncion to have everything ready on being notified of your arrival near this place. There being constant telegraphic communication between here and the capital, you will probably be detained but a short time before all would be ready for your departure. The point on the river where you will probably come to anchor is off a place called Tacuaras, where there is a guard-house and some soldiers stationed. It is but a short distance below the Tebicuari.

Very respectfully, your obedient servant,

CHARLES A. WASHBURN.

Commander WILLIAM A. KIRKLAND,
Commanding U. S. Steamer Wasp, off Curupaiti.

Mr. Washburn to Lieutenant Commander Kirkland.

HEADQUARTERS PARAGUAY ARMY,
San Fernando, May 15, 1868.

SIR: Since writing my letter of yesterday President Lopez has given me some further information in regard to the navigation of the river above Humaita. His officers at all points will be advised beforehand of your coming, and when a little below Humaita you can communicate with the comandante, and deliver to him the order of President Lopez, and he will furnish you with a pilot to take you above Humaita, when you can put him ashore and move on towards Timba. As you approach you will do well to bear a little to the left, though keeping a good distance from the shore. Here you can communicate with the officer in command as at Humaita, and there pass on until you get near the mouth of the Bemajo. At this point it will be necessary to make a particular signal that the guard there may know that it is not an enemy, and that it is the same they have been advised of beforehand, and been ordered not to molest. The signals that the guards will be instructed to look for will be as follows: A stern the American flag as usual, at the fore the Paraguay flag, and an American flag at each of the other two masts: thus having up three American and one Paraguay flags. Another precaution, that probably will not be necessary, will be, in case there should be any signs after passing the Bemajo that the orders given by President Lopez have not been fully understood, to dip the two forward flags, the Paraguayan and the one at the mizzenmast. It is not apprehended, however, that this will be necessary, as orders will be sent to all points describing the steamer and giving the signals. But no special signals from the steamer until you get near the mouth of the Bemajo will be required.

Very respectfully, your obedient servant,

CHARLES A. WASHBURN.

Commander WILLIAM A. KIRKLAND,
Commanding U. S. Steamer Wasp, off Curupaiti.

Lieutenant Commander Kirkland to the Marquis de Caxias.

UNITED STATES STEAMER WASP,
Curupaiti, May 22, 1868.

SIR: I have this day received a communication from his excellency Charles A. Washburn, minister resident of the United States at Asuncion, Paraguay, in which he says as follows:

"You are probably aware that all land communication between San Fernando (the headquarters of the army of Paraguay) and Curupaiti is very difficult, and that it would be impossible, or nearly so, for my wife, child, and servants, to reach the latter place, except by way of the river. You are also aware that, for military reasons, the Paraguay steamers do not go so far down the river. In order, therefore, that my family may be put on board the Wasp, it is necessary that it should come higher up the river, and his excellency Marshal Lopez advises me that there will be no objection on the part of Paraguay, and that the steamer can come to such point below the mouth of the Tebicuari as may be signaled on her arrival; at such point the transfer from a Paraguayan vessel may be easily made."

Under the above specified circumstances, therefore, I have the honor to request that your excellency will allow the United States steamer Wasp to pass through the allied fleet anchored below and above Humaita, in order that the said vessel may proceed to Tucuará, below the mouth of the river Tebicuari, for the purpose of embarking his excellency Mr. Washburn, with his family and private effects.

I am, sir, your obedient servant,

W. A. KIRKLAND,
Lieut. Com. U. S. N., Comd'g U. S. S. Wasp.

His Excellency Marquis DE CAXIAS,
*Marshal and Commander-in-chief of the Allied Army
in operation against the Government of Paraguay.*

The Marquis de Caxias to Lieutenant Commander Kirkland,

[Office of Commander-in-chief of all the Brazilian forces, and for the time being of the allied armies operating against the government of Paraguay.]

HEADQUARTERS IN PERA-CUÉ,
Before Humaita, May 23, 1868.

ILLUSTRIOUS SIR: I acknowledge the receipt of the note dated the 22d instant, directed to me by Lieutenant Commander W. A. Kirkland, of the United States steamer Wasp, which reached me yesterday at 7 o'clock p. m.

Lieutenant W. A. Kirkland asks my permission for the steamer under his command to pass the Brazilian squadron, the division lying below Humaita, and that which forced its passage above, and to continue on up as far as Tucuará, below the mouth of the river Tebicuari, in order to receive on board Mr. Washburn with his family and baggage. Commander William A. Kirkland bases his request on the reasons given him by the above-mentioned Minister Washburn, which may be reduced to the following:

1st. The great difficulty which exists at present in the land communication between San Fernando (the headquarters of the army of Paraguay) and Curupaiti, which renders it impossible, or almost so, for his excellency, his family and servants, to arrive at the last-named place, except by water transportation.

2d. That since for military reasons the Paraguayan steamers do not descend the river so far, Minister Washburn infers that in order for himself and family to leave Paraguay, it is necessary that the United States steamer should go to some point below the mouth of the Tebicuari, signaling its arrival there; that Marshal Lopez advises him that there would be no opposition to all this on the part of Paraguay; and that, finally, at the point above mentioned, it would be easy to transfer to the North American steamer Minister Washburn and family, servants, and baggage, arriving there in a Paraguayan vessel.

In reply, I will commence by expressing to Lieutenant Commander W. A. Kirkland the great regret I feel at not being able to comply with his request, in which I am governed by considerations of the first importance and of manifest propriety.

Those military reasons of which his excellency Minister Washburn speaks as preventing the Paraguayan steamer from coming so far down the river, and which indeed hardly admit that they should go to the point indicated below the mouth of the river Tebicuari, are the same that govern me and place me in the disagreeable position of not being able to accede to the wishes of his excellency Minister Washburn and of Lieutenant Commander W. A. Kirkland.

Operations and movements of war which shortly have to be carried into effect near the place indicated as the destination of the North American steamer render it less suitable and convenient for the proposed object of the worthy commander, whom on this occasion I ought to inform that a few days since a Paraguayan steamer, the Pirabete, I judge, in despite of these military reasons, arrived at Pilar, where she was seen and watched, and where she fired several cannon shots on shore.

What I have here briefly stated to Lieutenant Commander Kirkland does not mean that I intend to obstruct, in the least, the departure of his excellency Minister Washburn and his family from Paraguay.

If I cannot accede to the means proposed, I will point out another method which will produce the same result, uniting all the advantages prescribed by the laws of nations and of war for the observance of belligerents and neutrals. Let his excellency Mr. Washburn embark his family, servants, and baggage, as soon as may be convenient to him, in a Paraguayan steamer, which, with a flag of truce, can come down the river as far as Pilar or as Tagy. His excellency will find at either of these points all the vehicles of transportation which may be necessary to carry his family and baggage by land as far as Curupaity, for which I will give immediate orders, satisfied that his excellency Minister Washburn will make a comfortable journey until he embarks on board the steamer Wasp at Curupaity.

You herein see, Lieutenant Commander Kirkland, the good will and earnest desire that prompt me to aid his excellency Mr. Washburn in leaving Paraguay and in going wherever he wishes.

The reply of Lieutenant Commander Kirkland will guide me in taking the measures and the orders that may be necessary.

I cannot omit improving this opportunity of tendering to Lieutenant Commander W. A. Kirkland the assurances of my high consideration and perfect esteem.

M. DE CAXIAS.

Lieutenant Commander W. A. KIRKLAND,
Commanding North American Steamer Wasp.

Lieutenant Commander Kirkland to Mr. Washburn.

UNITED STATES STEAMER WASP,
Curupaity, May 23, 1868.

SIR: Your communications of the 14th and 15th instant were received by me on the 21st instant. On the 22d I wrote to the Marquis de Caxias, and asked permission to pass through his fleet, in order to reach Tacuara, below the mouth of the river Tebicuary, for the purpose of embarking yourself, family, &c. On the 23d, (this afternoon,) I received his answer, which was partly as follows:

"In reply, I must express to Lieutenant Commander William A. Kirkland the great regret I feel in not being able to comply with his request, being forced to this by considerations of great importance, and moreover it would be very improper to do so. The military reasons given by Mr. Washburn why the Paraguay vessels could not descend so low, and why they might not be permitted to go to a certain point below the mouth of the Tebicuary, are agreed to by me, and put me in the unpleasant position of being obliged to deny the request of Minister Washburn and Lieutenant Commander William A. Kirkland, whom I must now inform that, a few days ago, a Paraguayan vessel, (the Pirabete, I think,) contrary to all supposition, came down as far as Pilar, where it was seen and watched, and whence several cannon shots were fired towards the shore."

The marquis then goes on to say, if Mr. Washburn will embark in a Paraguayan steamer and come down the river to Pilar or Tagy, with a flag of truce flying, that he will meet at either of these two points all the vehicles which may be necessary to transport his family and baggage to Curupaity by land; and he concludes his letter by assuring me that he will give the necessary orders, and that you shall be well provided for. He even goes so far as to say that he is convinced you will have a comfortable voyage until, in Curupaity, you embark on board the Wasp.

The admiral is in Rio, and has sent me no orders. Therefore, if you wish to, and can come, it will be advisable to accept M. de Caxias's offer, otherwise a very long delay may occur. Let me know at once whether I shall expect you. Your letters, I understand, were returned to Mr. Hollister at Buenos Ayres. Your other articles I have heard nothing about; but it must be all right, as you have the bill.

I am, sir, your obedient servant,

W. A. KIRKLAND,

Lieutenant Commander U. S. Navy, Commanding U. S. S. Wasp.

His Excellency CHARLES A. WASHBURN,
Minister Resident of the United States at Asuncion, Paraguay.

Lieutenant Commander Kirkland to the Marquis de Caxias.

UNITED STATES STEAMER WASP,
Curupaiti, May 24, 1868.

SIR: I have the honor to acknowledge the receipt of your communication of the 23d instant, in which you state that you cannot satisfy the request made in my communication to you of the 22d instant, which was to the effect that the United States steamer Wasp should be permitted by you to pass through the allied fleet, and as far up the Paraguay river as a point called Tacuara, below the mouth of the Tebicuary river, for the purpose of receiving on board the United States minister resident at Asuncion, his excellency Charles A. Washburn, with his family, servants, and baggage.

Your excellency, as I understand it, proposes that the American minister, Mr. Washburn, should come to Pilar or to Tagy in a Paraguayan steamer, with a flag of truce, and that at one of these points to be agreed upon, your excellency will cause to be provided such transportation as under the circumstances may be fitting and necessary to bring himself, family, and baggage to Curupaiti by land. As the mission here of this vessel is to embark the American minister, your refusal to permit the United States steamer Wasp to pass through the allied fleet and up to Tacuara for that purpose, leave me only one course to pursue. I shall, therefore, inform his excellency Mr. Washburn of your answer and your courteous offer, and shall await his reply.

In conclusion I have to request that you will cause to be forwarded at an early moment the accompanying letter to his excellency Mr. Washburn at Asuncion.

I am, sir, your obedient servant,

W. A. KIRKLAND,

Lieutenant Commander U. S. Navy, Commanding U. S. S. Wasp.

His Excellency the Marquis DE CAXIAS,

*Commander-in-chief of all the Brazilian forces, and, in the interim,
of the allied army in operations against the government of Paraguay.*

Marquis de Caxias to Lieut. Commander W. A. Kirkland, U. S. N.

[Translation.]

[Office of the Commander-in-chief of all the Brazilian forces, and for the time being of the allied armies in operation against the government of Paraguay.]

HEADQUARTERS IN PERA-CUÉ,
Before Humaita, May 25, 1868.

S. Sa. Lieut. W. A. KIRKLAND,

Commander of the North American Steamer Wasp:

I have to acknowledge the receipt of the note dated the 24th instant, sent me by Lieutenant Commander W. A. Kirkland, commander of the North American steamer Wasp.

In reply, I communicate to you, to-day, that, as you will perceive by the accompanying copy of a report made to me by the Baron of Passage, commander of the advanced division of the Brazilian squadron, the note directed to Mr. Washburn, American minister at Asuncion, was delivered to-day to a Paraguayan officer appointed to receive it, at the enemy's fort in front of Timba.

As soon as a reply comes to hand I shall hasten to transmit it to Lieutenant Commander W. A. Kirkland, to whom I reiterate the assurance of my consideration and esteem.

M. DE CAXIAS.

Baron of Passage to Marquis de Caxias.

[Translation.]

TAMANDARÉ, (iron-clad,) *Off the Island of Guayaqueru, May 25, 1868,*

ILLMO. EXMO. SR.: In execution of your excellency's order of yesterday, inclosing a letter from Commander Kirkland, commanding the North American gunboat Wasp, to the American minister, residing in Asuncion, which order reached this division at 4.30 p. m., I set out immediately in the monitor Para; but arriving at night at the camp in

front of the island Guayacaru, I returned in the monitor, and this morning I went in the Tamandaré to the enemy's fort fronting Timba, near which I delivered the letter in question to a Paraguayan officer who came in a boat to receive it.

God keep your excellency.

BARON OF PASSAGE,
Commander of Advanced Division.

His Excellency MARQUIS DE CAXIAS,
Commander-in-chief, &c., &c.

Mr. Washburn to Lieutenant Commander Kirkland.

LEGATION OF THE UNITED STATES,
Asunción, June 3, 1868.

SIR: Your interesting letter, bearing date of the 23d instant, has been received. In it you advise me that you had asked permission of the Marquis de Caxias to pass through the allied squadron, which request had not been acceded to, but that he had promised that if myself and family would go down the river in a Paraguay steamer as far as Pilar or Tagy, he would provide all the vehicles necessary to transport us to Curupaity. In answer to this proposition of his excellency the marquis, I have only this to say, that the state of Mrs. Washburn's health is such that it is quite out of the question for her to think of making the proposed journey by land. Besides this, I consider that the Marquis de Caxias has no right whatever to prevent the passage of the Wasp above the squadron. I had supposed that all questions of that sort were settled by the case of the Shamokin. It is true that the Brazilian government on that occasion said it would protest, but when our government was informed of this, the Secretary of State, Mr. Seward, wrote to our minister at Rio, Mr. Webb, that he "would not even consent to argue the question." Since the passage of the Shamokin, the French, English, and Italian gunboats have all been allowed to pass above the squadron, and, so far as I know, without any protest or other objection being made. By what authority of law or justice do they deny to the United States rights and immunities that are freely granted to other nations?

The proposition of the marquis, that if we are so disposed we may go by land, is similar to that which was made to me by the Paraguayan government, in the case of the Brazilian minister, Senhor Vianna de Lima, after the taking of the Marquis de Olinda and the suspension of his diplomatic relations. When I interfered in his behalf, I was told he could go by land. But I rejected the proposition as absurd, and my conduct in that matter was highly approved by the Brazilian government and press, while that of Paraguay was universally condemned by both. Does the Marquis de Caxias expect me to accept terms for myself and family that I would not accept for a Brazilian minister? Will you please call his attention to this, if you have the opportunity?

You inform me that the admiral is in Rio, and that he has sent you no orders. Probably he did not anticipate that the allies would renew their discourtesy and unlawful proceedings towards the United States after the lesson they received at the time of my coming to Paraguay. He could not suppose that after the question of right had been established, and the allies had repeatedly conceded it by allowing the war vessels of other nations to pass unquestioned, that the Marquis de Caxias would have the assurance to deny to the Wasp the same right. In my opinion, your legal rights to pass were so clear and well established, that you were under no obligations to ask his permission, but only, as a matter of courtesy, to notify him of your arrival, and that in fulfillment of your instructions you would find it necessary to pass above his squadron. Of course, not knowing what your instructions were from the admiral, I therefore am not competent to give a definite opinion. But if they were similar to those of Captain Crosby when he came up with the Shamokin, you would have been justified in taking that course. And if you had no instructions at all, it would have been the same, as since the passage of the Shamokin the Brazilians have repeatedly recognized the right of neutral gunboats to pass the blockade. Under all the circumstances, therefore, unless you have positive orders to the contrary, my opinion is that on receipt of this you should advise the Marquis de Caxias that, for the reasons I have given, his proposition that we should go by land from Pilar or Tagy to Curupaity cannot be accepted, and that therefore you will be under the necessity to pass through the squadron. Should he reply that he will not permit it, but will stop you by force, I should nevertheless start, and if he fires across your bows, then I should come to and fall back below the squadron and wait further orders. But do not on any account leave the river, or go below Corrientes, till so ordered. After having vindicated our rights a year and a half ago so effectively, let us not abandon them and have the whole work to do over again. It is a national question, and your position is one of great responsibility; and the government, I am satisfied, will sustain you in a firm and deter-

mined course. So far as I may and can do it, I take all responsibility of the course which I have recommended. If, after all, you should fail to pass the blockade, will you please advise the admiral of our situation here: that the family of the United States minister resident in Asuncion are, by the act of the Marquis de Caxias, virtually detained as prisoners in Paraguay. I say *the family*, for, of course, were I alone, I could go through the Chaco, or by any route through which there is military communication, and my departure would depend on emergencies or on instructions received from the State Department, as it must finally in any case.

You inform me that my correspondence referred to in my letter of the 14th ultimo has been returned to Consul Hollister. That is certainly a very strange proceeding, and looks like a trick so that I should not get it. You might, however, I would suppose, have sent us a few newspapers, or clippings from newspapers, to inform us of what is transpiring in a world from which we have heard nothing for the last seven months. If, however, you do not come up, you will probably write me again very soon. In that case do try and send us some news. Very likely the dispatches returned to Mr. Hollister will have come back by that time, with others additional. Also try and learn something of the provisions, and bring or send all and everything of mine that you can. Our necessities are very great.

Your obedient servant,

CHARLES A. WASHBURN.

Lieut. Com. WILLIAM A. KIRKLAND,
Commanding United States Steamer Wasp.

Commander Kirkland to the Marquis de Caxias.

UNITED STATES STEAMER WASP,
Off Curupaiti, Paraguay River, June 8, 1868.

SIR: I yesterday received a communication from his excellency Charles A. Washburn, minister resident of the United States at Asuncion, Paraguay, extracts from which I herewith submit for your excellency's consideration.

His excellency Mr. Washburn writes as follows, viz:

"In answer to the proposition of his excellency the Marquis de Caxias, to furnish all necessary transportation by land from Pilar or Tagy to Curupaiti, I have only to say that the state of Mrs. Washburn's health is such that it is quite out of the question for her to think of making the proposed journey by land. Besides this, I consider that the Marquis de Caxias has no right whatever to prevent the passage of the Wasp above the squadron. Since the passage of the Shamokin, the French, English, and Italian gunboats have all been allowed to pass above the fleet. By what authority of law or justice do they deny to the United States rights and immunities that are granted to other nations? In the case of the Brazilian minister to Paraguay, Senhor Vianna de Lima, after the taking of the Marquis de Olinda, when I interfered in his behalf, I was told he could go by land, but I rejected the proposition as absurd. Does the Marquis de Caxias expect me to accept terms for myself and family that I would not accept for a Brazilian minister? Since the passage of the Shamokin the Brazilians have repeatedly recognized the rights of neutral gunboats to pass the blockade, and if you should not be allowed to pass through the allied fleet, you will please advise the admiral of our situation here, that the family of the United States minister resident are, by the act of the Marquis de Caxias, virtually detained as prisoners in Paraguay."

Having thus brought to your excellency's notice the situation as set forth in Mr. Washburn's letter, I shall await for twenty-four hours, or longer if necessary, any communication which you may wish to direct to me in reply.

And assuring your excellency of the continuance of my high esteem, I remain your obedient servant,

W. A. KIRKLAND,
Lieut. Com'r U. S. Navy, Com'g U. S. Steamer Wasp.

His Excellency the MARQUIS DE CAXIAS,
Marshal and Commander-in-chief of all the Brazilian forces, and in the interim of the allied armies in operation against the government of Paraguay.

The Marquis de Caxias to Commander Kirkland.

[Translation.]

[Office of the Commander-in-chief of all the Brazilian forces, and for the time being of all the allied armies in operation against the government of Paraguay.]

HEADQUARTERS PERA-CUÉ,
Before Humaita, June 8, 1868.

I have the honor to submit the following reply to the note of this date, addressed to me by Mr. William A. Kirkland, commanding the American gunboat Wasp.

I have read with due attention the letter of his excellency Mr. Washburn to Lieutenant Commander Kirkland, a copy of which was transmitted in the note to which this is a reply, and it gives me pain to perceive that Mr. Washburn declines to accept the plan which I had the honor to propose to him for conveying from Paraguay his family, his servants, and his effects, with every convenience and perfect security.

Lieutenant Commander Kirkland will oblige me if he will have the goodness to communicate to Mr. Washburn my regret that among the reasons assigned for his rejection of my proposition is the ill health of Mrs. Washburn, for whose recovery I sincerely pray.

With regard to the conclusions drawn by Mr. Washburn from the passage of the United States steamer Shamokin, and of the French, English, and Italian gunboats, it appears to me that they furnish no grounds for the opinion expressed by Mr. Washburn, that it is the intention of the allied powers to deny to the United States that which they have conceded to other neutral nations.

In order that Mr. Washburn may agree with me, it will be sufficient for his excellency to recall the prevailing circumstances at the period to which he refers, of the actual state of the operations of war, and also the point to which these vessels were allowed to ascend, which was Curusir, beyond which they did not pass, and where they were always in sight of Brazilian men-of-war. Moreover, I did not then direct the operations of war.

The generous conduct of Mr. Washburn in behalf of the Brazilian minister, Vianna de Lima, in Paraguay, and his kind interposition, based upon the clearest and most definite provisions of the laws of nations, cannot be adduced by his excellency as a motive by which I am to regulate my conduct at the present juncture, and in the distinguished position which I occupy as commander-in-chief of the allied armies and director of the war. His excellency must remember that the existing circumstances at that time were very different from the present.

The capture of the steamer Marquis de Olinda, and of her passengers and cargo, and the violence attempted against the Brazilian minister in Asuncion, without any previous declaration of war, show the unscrupulousness of the Paraguayan government in violating, in order to injure Brazil, all the laws and principles unanimously accepted by refined and civilized nations.

Mr. Washburn himself must admit, in his own mind, that the act of reciprocity on my part, which, in recalling the past, he appears to expect, would lose this character and assume the proportions of the most flagrant dereliction of the duties imposed upon me by my position.

Happily, the ground of my action in the proposition which I made to his excellency, through Lieutenant Kirkland, is independent of the judgment or will of any individual, and recommends itself to the impartial discrimination of all who examine it.

His excellency Mr. Washburn must be aware that the allied forces on shore and afloat occupy at present, and operate in, all the territory which extends from Paso da Patria to Tebicuari, conflicts actually occurring in all the intermediate space, and showing that the operations of war are in the greatest activity. It is but a few days since some of the iron-clad steamers of the advance division ascended the river, and they ought to be now at Tebicuari, or past it, while at the same time a column of the army marched in the same direction. This proves undeniably all that I have before said, for it is a fact that they are in the territory of the belligerents, and not in that where Mr. Washburn is, who resides in the capital of one of the belligerents.

Were it not for the painful information which Mr. Washburn furnishes us of the unsatisfactory state of his wife's health, malevolence might attribute to his excellency intentions, which I take pleasure in being the first to deny the possibility of his excellency entertaining.

My desire to fulfill the wish of Mr. Washburn to leave Paraguay with his family is so great and so sincere, and so far am I from concurring in the slightest degree in his excellency's remaining with his family and his servants in this situation, which his excellency calls that of prisoners in Paraguay, that I am going to offer him the only means which occurs to me which is in my power, and which, with my best judgment, I place at his disposal.

I will give orders that one of the Brazilian vessels of war above Humaita shall go

up the river with a flag of truce to receive his excellency, his family, his servants and effects, at the point on the river previously indicated by his excellency, and this steamer on its return shall disembark his excellency at the nearest possible point to Humaita, or pass that fortification with the consent of the government of Paraguay, so that his excellency may be able to move immediately from her to the United States gunboat Wasp.

Lieutenant Kirkland, to whom I renew the assurances of my esteem and consideration, will transmit this answer of mine to his excellency Mr. Washburn, with the well-founded hope on my part that his excellency will accept the arrangement I propose to him.

M. DE CAXIAS.

Lieut. Com. W. A. KIRKLAND,
Commanding United States Steamer Wasp.

Commander Kirkland to the Marquis de Caxias.

UNITED STATES STEAMER WASP,
Curupaiti, June 9, 1868.

SIR: I have the honor to acknowledge the receipt of your excellency's note of June 8, in which you say that you still offer to Mr. Washburn the only means that are within your attributes, and which you place at his disposal with the greatest cordiality. The means are, as I understand it, these: That your excellency will send one of the Brazilian war steamers which have passed Humaita, with a flag of truce, to receive his excellency Mr. Washburn, and family, at that point of the Paraguay river which Mr. Washburn shall previously indicate to you, and that this steamer shall land Mr. Washburn either at the nearest point possible to Humaita, or that it may pass that fortification, with the necessary concurrence of the government of Paraguay, and that his excellency Mr. Washburn can then pass on board the United States gunboat Wasp.

Your excellency undoubtedly gives me credit for a knowledge which I do not possess, of that usage of warfare which permits one of the belligerents, by the use of a flag of truce, to pass by the fortifications and into the heart of the enemy's country without molestation. I know that the Paraguayan government would be guided by a very false sense of courtesy did it permit such an act by a Brazilian vessel of war.

His excellency Mr. Washburn, the United States minister, could not embark in a Brazilian vessel in the enemy's lines without being fired into, and perhaps attacked in other ways, which event would at once create a difficulty between his own government and that of Paraguay, and I must therefore decline any such proposition as the one which your excellency now wishes me to forward to the representative of the United States.

Your excellency makes an allusion to intentions which you say malevolence might well attribute to the United States minister at Paraguay, but your excellency does not explain those intentions. A conversation, however, sought by one of the members of your staff, leads me to believe that your excellency thinks that the family of President Lopez might seek protection under the American flag, and that to prevent such an occurrence you will not allow the United States steamer Wasp to pass through your fleet. The fact of virtually detaining as prisoners the United States minister and family in Paraguay, in order to prevent the suspected escape of the feminine and infantine portion of President Lopez's family, is so unreasonable that it savors strongly of extending the dangers and difficulties of war to women and children.

I have already pointed out to your excellency the reasons why I decline your proposition of the 8th instant, and I have only to add that my vessel was sent here to remove the United States minister and his family with the least delay. I am now no nearer the accomplishment of that end than on my arrival, owing to the unsatisfactory and temporizing nature of the correspondence which I have had to carry on. I shall, therefore, unless your excellency grants permission for the Wasp to pass the allied fleet, proceed to-morrow, the 10th instant, at 3 p. m., to lay before my government the actual state of affairs, in order that prompt and active measures may be taken for the removal of his excellency, the American minister, from Paraguay.

I am, sir, your obedient servant,

W. A. KIRKLAND,
Lieut. Com'r U. S. Navy, Com'g U. S. Steamer Wasp.

His Excellency the MARQUIS DE CAXIAS,
*Marshal and Commander-in-chief of all the Brazilian forces,
and in the interim, of allied armies in operation against government of Paraguay.*

Commander Kirkland to the Marquis de Caxias.

UNITED STATES STEAMER WASP,
Curupaiti, June 10, 1868.

SIR: I have the honor to transmit herewith a communication for his excellency the United States minister to Paraguay, in which I have stated to him your excellency's proposition of the 8th instant, and also my reasons for declining such proposition.

I also forward to your excellency a box and a package for Mr. Washburn, from the United States, which I have not hitherto sent to him because I expected to receive him on board. As your excellency's action has thwarted such expectation, I have the honor to request that you will cause to be forwarded to his excellency Mr. Washburn, at Asuncion, the accompanying letter, box, and package.

And assuring your excellency of the continuance of my high esteem, I am, your obedient servant,

W. A. KIRKLAND,
Lieut. Com'r U. S. Navy, Com'g U. S. Steamer Wasp.

His Excellency the MARQUIS DE CAXIAS;

*Marshal and Commander-in-chief of all the Brazilian forces,
and, in the interim, of allied armies in operation against government of Paraguay.*

Lieutenant Commander Kirkland to Mr. Washburn.

UNITED STATES STEAMER WASP,
Curupaiti, Paraguay River, June 10, 1868.

SIR: Your note of June 3 was received on the 7th instant. On the 8th I wrote to the Marquis de Caxias, giving him all your opinion, and calling his attention to the delicate state of Mrs. Washburn's health. On the 9th I received an answer, in which he says:

"The report of the delicate health of Mr. Washburn's worthy spouse might arise from malevolent intentions, which I will not venture to attribute to his excellency.

"As Mr. Washburn expresses the desire to quit Paraguay with his family, and complains that he is kept a prisoner there, I freely offer him the only means in my power to escape from his unpleasant situation.

"I will order one of the Brazilian war vessels to pass Humaita with a flag of truce, and go up to receive Mr. Washburn, his servants and baggage and family, at any point he will indicate in Paraguay, and then return with them, passing Humaita, with the consent of the government of Paraguay, and place them on board the United States steamer Wasp."

To which I replied:

"Your excellency undoubtedly gives me credit for a knowledge which I do not possess, of that usage of warfare which permits one of the belligerents, by the use of a flag of truce, to pass by the fortifications and into the heart of the enemy's country without molestation. I know that the Paraguayan government would be guided by a very false sense of courtesy did it permit such an act by a Brazilian vessel of war. His excellency Mr. Washburn, the United States minister, could not embark in a Brazilian vessel in the enemy's lines without being fired into, and perhaps attacked in other ways, which event would at once create a difficulty between his own government and that of Paraguay; and I must therefore decline any such proposition as the one which your excellency now wishes me to forward to the representative of the United States.

"Your excellency makes an allusion to intentions, which you say malevolence might well attribute to the United States minister to Paraguay, but your excellency does not explain those intentions. A conversation, however, sought by one of the members of your staff, leads me to believe that your excellency thinks that the family of President Lopez might seek protection under the American flag, and that to prevent such an occurrence you will not allow the United States steamer Wasp to pass through your fleet. The fact of virtually detaining as prisoners the American minister and his family in Paraguay, in order to prevent the suspected escape of the feminine and infantine portions of President Lopez's family, is so unreasonable that it savors strongly of extending the dangers and difficulties of war to women and children."

The Marquis de Caxias wishes to temporize and gain time. Your suggestions about what I am to do cannot of course be attended to; I shall therefore leave this at 3 p. m. to-day, provided nothing happens to prevent; and if Caxias does not say "yes" to the passing up, I shall proceed as rapidly as possible to Buenos Ayres, where I hope to catch a steamer bound to Rio. It will give more force to the affair than if I remain quietly here, and the admiral can at once act up to the emergencies of the case.

I imagine Caxias cannot take Humaita, and therefore wishes to be removed from command for some other cause; and if our government takes up the matter as it should, the allies will have to "eat dirt" very soon.

I know nothing of your correspondence, or of your provisions. I send to Caxias to forward to you a box of papers and books, and one package from Washington.

I should recommend adherence to your plan not to embark in a Brazilian vessel within Paraguayan lines, as I think this vessel will be sent back immediately, with orders to pass the allied fleet; and besides, they have no right to hoist a white flag inside of Lopez's lines for the purpose of traversing almost the half of his territory.

I am, sir, your obedient servant,

W. A. KIRKLAND.

Lieut. Comdr. U. S. Navy, Commanding U. S. S. Wasp.

His Excellency C. A. WASHBURN,

Minister Resident of the United States at Asuncion, Paraguay.

Mr. Webb to Mr. Seward.

[Extract.]

No. 70.]

LEGATION OF THE UNITED STATES,

Rio de Janeiro, July 22, 1868.

SIR: By the steamer to Marseilles on the 15th I wrote to the legation in London to telegraph to you that immediately after the sailing of the English steamer to Southampton I received a response to my demand of the 1st, which you have. * * * * I inclose it with the translation used, tied together, and marked No. 1.

After the receipt of this dispatch, I was waited upon by one of the under-secretaries of foreign affairs to talk over matters. Our interview, however, had no result, except that I told him plainly that the ministry had no alternative but to recede from their position and let the Wasp go up, quarrel with the United States, or resign.

* * * * *

SATURDAY, July 25, 1868.

I had another interview with Mr. Souza yesterday, in the hope that I might make sufficient impression upon this government to induce it to recede, but it is all in vain.

* * * * *

You will probably receive this on the 22d or 23d of August. The French mail steamer sails from Bordeaux on the 25th, and from Lisbon on the 28th of August, and of course a telegram, with information, instruction, &c., &c., put on board by our minister or consul, would reach me on the 16th of September. In like manner a telegram to our minister in London or Lisbon, to leave Southampton on the 19th or Lisbon on the 12th September, would reach me on the 2d October; while I could not receive a reply to this by our steamer until the 20th October, unless indeed it should arrive in time to send a response by the steamer of 22d August. * * *

Very respectfully, your obedient servant,

J. WATSON WEBB.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Senhor de Souza to Mr. Webb.

[Translation.]

MINISTRY OF FOREIGN AFFAIRS, CENTRAL SECTION, No. 4.

Rio de Janeiro, July 9, 1868.

The undersigned counselor to his Majesty the Emperor, minister and secretary of state for foreign affairs, has the honor of acknowledging the receipt of the note which, under date of the 1st instant, was addressed to him by General James Watson Webb, envoy extraordinary and minister plenipotentiary for the United States.

In that note, General Webb communicates the following:

That he received, on the date above, an official dispatch from Rear-Admiral Davis, commanding the United States squadron in the Southern Atlantic Ocean, informing him that the American steamer *Wasp*, sent by him to Asuncion for the purpose of bringing away from there the Hon. Mr. Washburn, United States minister, and his family, had been prevented from ascending to that city, as her commander was ordered to by the said rear-admiral, in compliance with instructions received from the Secretary of the Navy, at the request of the Hon. Mr. Seward, Secretary of State for the United States; that, in consequence of such a grave disregard of the rights of the United States, the commander of the steamer referred to, after repeated requests for permission to pass the war lines of the allies, returned to Montevideo, declaring to the commander of the American squadron that he had not been enabled to fulfill his mission, as the refusal he had received from the general commander-in-chief of the allied forces was peremptory; that such extraordinary and unjustifiable proceeding on the part of the general commander-in-chief of those forces, the Marquis of Caxias, is in direct opposition to the rights of the United States; and, in view of what was agreed upon in August, 1866, between General Webb and the Brazilian government, is an outrage upon the honor and sovereignty of those States, which demands the prompt and severe censuring of the offender; that when, in 1861, the foreign minister for Brazil justified the conduct of the President of Maranhao in relation to the *Sumter*, the Secretary of State for the United States declared that that conduct and the approbation of it was intolerable. General Webb, in consequence, received orders to request that steps should be taken in reference to that occurrence by which the President of Maranhao should be made aware of his Majesty's displeasure; that the act of the Marquis of Caxias is very much more offensive to the honor and sovereignty of the United States than that of the President had been, because he knew perfectly well that in August, 1866, Brazil was formally advised that the United States would not allow such a violation of its sovereign rights, and that Brazil reconsidered and revoked the offensive act; therefore, that the Marquis of Caxias was fully conscious that he was gravely offending the honor and sovereignty of the United States by refusing.

General Webb, therefore, to conclude, requests that the Marquis of Caxias be promptly and peremptorily censured for his unfriendly and extraordinary proceedings; and as his unwarrantable interference in the matter has already occasioned a delay of at least four months in freeing the United States minister and his family from their embarrassing and probably dangerous position, he strenuously urges upon the Brazilian government that, without any unnecessary delay, orders may be issued for the removing of all hindrance to the passage of the United States vessel *Wasp* through the allied posts, and that General Webb be informed without delay also that those obstacles have ceased to exist, so that he may be enabled to communicate to the commander of the American Southern Atlantic squadron that he will not encounter, in the discharge of his duties to his country and to humanity, any further impediment from any of the Brazilian authorities.

In reply to General Webb's note, the undersigned has the honor of calling his special attention to the following: The Marquis of Caxias could not recognize Lieutenant Kirkland, a subaltern of the United States navy, in command of the *Wasp*, as a competent person to make a direct request for permission for that vessel to pass the war lines of their very legal and effective blockade of the Paraguay river, which he only did towards the end of May, and not four months ago, as by so doing the blockade would have been broken.

In refusing that permission, the Marquis of Caxias did not ignore any right whatever of the United States, nor did he in any way wish to offend, as he did not, its honor or its sovereignty. On the contrary, he thereby maintained an unquestionable right of sovereignty on the part of the allies in the occupation of the waters and territories of that river, where they are at present.

To have broken through that blockade in the manner which was and is requested—that is, that the *Wasp* should pass through the war lines of the allies and their military positions into the heart of the enemy's territory which is blockaded, serious disarrangement in the operations of the war, at the very moment, too, when important and perhaps decisive movements were impending—would have been the disregarding

of a right of the belligerents which has never been questioned—would have diminished and weakened the sovereignty of a friendly power without the least justification, besides subjecting it and its allies to difficulties in the speedy termination of a war in which their honor is compromised.

It is further added that the refusal of the Marquis of Caxias was not peremptory, as General Webb supposes. The Marquis de Caxias's objections to the way in which Lieutenant Kirkland proposed to aid Minister Washburn to withdraw from Paraguay, were accompanied by an exposition of the very weighty reasons he had for so doing, and at the same time offered him, with the greatest cordiality and deference, the choice of either of two means of arriving at the same result without producing any of the evil consequences which would result to the allies from the admission of the proposal made by him in the name of that minister.

Those reasonable means, which would have reconciled, in a most dignified and effective manner, the rights of the allies with the wishes of both Messrs. Washburn and Kirkland, were rejected by those gentlemen, who continue to insist in exacting a permission offensive to the sovereign rights of the said allies.

One of the least of the inconveniences which would happen through satisfying the request of Lieutenant Kirkland and Mr. Washburn would evidently be the nullification of the whole of the blockade established in Paraguay by the allies, who would be laying themselves open to the reception of similar exactions from any other nation which might, under any pretext, demand a like privilege for its ships.

So true is this, and so worthy of consideration in view of the consequences, on the part of friendly powers, that Admiral Godon himself, in 1866, when the passage of Mr. Washburn to Paraguay was in treaty, was the first to admit, merely begging in his request for the permitting of the passage up the river to Asuncion of the said Minister Washburn, that it should be done in any way which would harmonize with the dignity of the United States and have been most convenient to Brazil and its allies, further desiring that Mr. Washburn might be helped forward to his destination either by land or by water, without placing any obstacle in his way.

This is just what the Marquis de Caxias desired to effect in the present instance, had he not been denied the option.

General Webb alludes in his note to orders received by Rear-Admiral Davis from the Secretary of the Navy, at the request of the Hon. Mr. Seward, Secretary of State for the United States, for the purpose of assisting Mr. Washburn to withdraw from Paraguay.

The undersigned begs leave, however, to impress upon General Webb that the text of those orders cannot but be subject to an intelligent analysis.

If a nation cannot, in equity or justice, issue orders contrary to the rights or sovereignty of another, those to which General Webb refers were without doubt accompanied by some clause which would cause the execution of them to be carried out in a way not to offend those rights or that sovereignty, and having that in view, to enter into some arrangement both expedient and honorable with the nations interested in the matter. Otherwise it would be an outrage, and in the present instance an unwarranted one, since Brazil and its allies proposed and offered to realize a reasonable manner of enabling Mr. Washburn to retire from Paraguay, to which the undersigned has already alluded.

General Webb argues that the decision of the Marquis de Caxias is in direct contradiction to the agreement entered into in August, 1866, between himself and the imperial government, and that the said marquis seriously offended the honor and sovereignty of the United States, being perfectly aware at the time that he was doing so.

This view of the matter on the part of General Webb is unfounded. Not only are the benevolent and friendly intentions of Brazil towards the United States evident in this case, but also that the refusal of the marquis had nothing in it which was, or could be, offensive to the honor or sovereignty of those States, but on the contrary was the vindication of the legitimate right of the allies so to act.

Putting aside these no doubt convincing considerations to General Webb, it remains for the undersigned to demonstrate to the general that the agreement of 1866, which he invokes, cannot properly be applied to this case.

In the first place, the imperial government never consented, except under protest, to the passing of the Shamokin through the war lines of the allied powers for the purpose of carrying Mr. Washburn beyond them, and that protest, really made against his passage by the Brazilian admiral when that steamer was on its way to Curupaiti, proves that Brazil did not admit the fact as a right.

In the second place, even had Brazil and its allies, for reasons worthy of attention at that time and at that place, judged it expedient to waive some of their rights as belligerents in favor of a friendly power, now, perhaps, they may be influenced by different motives; and indeed they have other and weightier ones, which prevent them from conceding now what they did then; further, the present request is not of the same nature of the one then advanced, since at that time the terms of that petition were more acceptable.

Finally, the very circumstances of the war are very different now from what they were then; the military movements and operations were not then so active as they are now, being about to terminate.

General Webb mentions the case of 1861, to ask that the conduct of the Marquis de Caxias in the present shall be censured and peremptorily disapproved of, as he requested that that of the president of Maranhao should be in relation to the Sumter case; but as that affair does not bear an exact relation to this one, the undersigned declines entering into any discussion whatever upon the subject.

To conclude, the imperial government does not consider that the proceedings of the Marquis de Caxias in this transaction are at all open to censure, but that, on the contrary, they merit its approbation; firstly, from the fact that his refusal was in perfect conformity to the rights and sovereignty of the allies; and, secondly, from the circumstance that though it was not in his power to concede the permission as requested by Messieurs Kirkland and Washburn, he did offer and place at their command, with the heartiest good will, the proper means for the safe and convenient conveyance of the American minister from Paraguay.

The undersigned hopes that General Webb, conscious of the justice of the reasons given and of the serious inconveniences that would have happened to the cause of the allies from the upward passage along the river to Tibicuari (center of the enemy's operations) of the *Wasp*, under present circumstances, and from her remaining there in communication with that enemy, without restriction as to the time or manner, will, without hesitation, conform his wishes to that decision, and accept either of the ways proposed for the departure from Paraguay of Mr. Washburn, and, in pursuance of such acceptance, transmit to Rear-Admiral Davis the necessary directions for the effecting of it. Meanwhile the imperial government will have no objection to accept any other alternative which may be suggested as equally effective and honorable by General Webb, provided that it be not the one already discussed, or a similar one, but that its conditions be such as to place no difficulties in the way of its acceptance by its allies at the river Plata, nor interfere with any plan they have or may conceive for the consummation of the desired end.

By these steps the imperial government endeavors to prove how great is its desire to, without injury or offense to its rights and sovereignty, or those of its allies, arrive at an early, and, to the United States, satisfactory termination of the question.

The undersigned repeats, &c., &c., &c.

JOÃO SILVEIRA DE SOUZA.

Senhor General JAMES WATSON WEBB,

Envoy Extraordinary and Minister Plenipotentiary of the United States.

Mr. Webb to Senhor de Souza.

LEGATION OF THE UNITED STATES,
Rio de Janeiro, July 13, 1868.

The undersigned, envoy extraordinary and minister plenipotentiary from the United States, has the honor to acknowledge the receipt, on the 9th instant, of a note, bearing that date, from his excellency João Silveira de Souza, councillor to his Majesty the Emperor, minister and secretary of state for foreign affairs, in reply to his note of the 1st July instant.

The note of his excellency, after reciting the contents of the undersigned's note of the 1st, says:

"The Marquis de Caxias could not recognize Lieutenant Kirkland, a subaltern in the United States navy, in command of the *Wasp*, as a competent person to make a direct request for permission for that vessel to pass the war lines of their very legal and effective blockade, which he only did towards the end of May, and not four months ago."

In the first place, the marquis *did* recognize Lieutenant Commander Kirkland as a proper person to make the request he did, as appears from his prompt response to his application.

Secondly, Lieutenant Commander Kirkland was not sent to Curupaity to make a "direct request for permission to pass the allied lines." His destination was Asuncion; and presuming that Brazil would not again wound the sensibilities of the people of the United States, or outrage their sovereignty and honor, it was not deemed necessary for him to do more than courteously *notify* the Brazilian commander-in-chief of his presence, destination, and purpose, accompanied by the assurance that nothing would be done or permitted militating against the rights of either of the belligerents or of the national character of his ship and flag.

Thirdly, His excellency has misapprehended the remarks of the undersigned in regard to the delay of four months, already produced by the action of the Marquis de Caxias. If the *Wasp* had not been obstructed in her passage to Asuncion on the 25th April

last, Mr. Washburn and family would probably have reached Montevideo early in May; whereas it is not possible for him to do so now until September; and it may be still later, if the *modus operandi* of getting him and family from their "embarrassing and possibly dangerous situation" is to be determined at Washington.

His excellency the minister of foreign affairs next denies that in refusing to let the Wasp pass, the Marquis de Caxias offended the sovereignty and honor of the United States, as is alleged by the Secretary of State, Mr. Seward, and insists that by so doing he only maintained an unquestionable right of sovereignty on the part of the allies. And it is insisted also that, in stopping the Wasp, the marquis in no way violated the arrangement made between the undersigned and Brazil in August, 1866, because the Shamokin, with Minister Washburn on board, was only allowed to pass the allied lines under protest.

On the subject of this protest the honorable Secretary of State wrote to the undersigned as follows:

"The President, however, marks the incident that the opposition to the passage of Mr. Washburn was withdrawn under a protest. So far from considering the question of the right of Mr. Washburn to proceed to his destination as a *debatable* one, the United States cannot consent to argue that question."

His excellency the minister of foreign affairs will perceive, therefore, that the undersigned has no authority to discuss the right of the United States to communicate with its minister in Paraguay. The obstruction offered in 1866 was declared by Mr. Seward "disrespectful in itself, and entirely inconsistent with the laws of nations."

And yet his excellency, the minister of foreign affairs, informs the undersigned that "the imperial government does not consider that the proceedings of the Marquis de Caxias, in this transaction, are at all open to censure; but that, on the contrary, they merit its *approbation*."

It is a well known fact that Asuncion, the capital of Paraguay, can only be reached by the river of that name; and also, that long before the empire of Brazil, and Uruguay, and the Argentine Confederation, bound themselves, by treaty, to carry on war, not against the people of Paraguay, but against its government until overthrown, the United States had established diplomatic relations with that republic. In fact, but for the presence of the United States minister, Mr. Washburn, in Asuncion in 1864, and his threat of closing his mission if the minister of Brazil was not permitted to leave the country by water instead of by land, as the Marquis de Caxias proposed that Mr. Washburn should do, that gentleman would, most probably, have shared the captivity of Governor Campos. How it is possible, then, for any intelligent Brazilian to claim that by virtue of Brazil's blockade of the Paraguay, the United States shall not communicate with her minister by the only channel he can be reached, is more than the undersigned can conceive. But, as Mr. Seward says, from a sense of self-respect, the United States cannot consent to argue that question. Thus precluded from any discussion on this question of right, the undersigned notes the declaration that in this proceeding by the Marquis de Caxias there is no disrespect intended, and no unfriendly feeling towards the United States.

And this is said to be made manifest by the declaration that he *did* offer and place at the command of Mr. Washburn and Lieutenant Kirkland, with the heartiest good will, the proper means for the safe and most convenient conveyance of the American minister from Paraguay. That is to say, Brazil, or the commander of her land and naval forces on the Paraguay, is to determine what is the "*proper means*" of getting our minister out of Paraguay, and not the United States. And what were those "*proper means*" thus proposed?

First, the Marquis de Caxias proposed that the minister, his feeble wife and child, his servants, with their luggage, &c., should traverse some fifty or one hundred miles of wilderness, more or less, and then embark on board a Brazilian vessel bearing a flag of truce, and descend the Paraguay to Curupaiti; President Lopez, of course, to give sanction to this espionage of his territory by an enemy avowedly engaged in a personal warfare against him and for his overthrow, and not against the people of Paraguay.

To this his excellency Charles A. Washburn, the minister of the United States accredited to the government of Paraguay, which it is the avowed purpose of the allies to overthrow, replied as follows, after very properly and peremptorily refusing to leave his post of duty, except in the manner indicated by his government:

"The proposition of the Marquis de Caxias that, if we are so disposed, we may go by land, is similar to that which was made to me by the Paraguayan government in the case of the Brazilian minister, Senhor Viana de Lima, after the taking of the Marquis de Olinda and the suspension of his diplomatic relations. When I interfered on his behalf, I was told he could go by land. But I rejected the proposition as *absurd*, and my conduct in that matter was highly approved by the Brazilian government and press, while that of Paraguay was universally condemned by both. Does the Marquis de Caxias expect me to accept terms for myself and family that I would *not* accept for a Brazilian minister?"

Secondly. The first proposition of the Marquis de Caxias having been very properly and indignantly rejected, he deliberately substituted the following:

"I will give orders that one of the Brazilian vessels of war above Humaita shall go up the river with a flag of truce to receive his excellency, his servants, and effects, at the point of the river previously indicated by his excellency; and this steamer, on its return, shall disembark his excellency at the nearest possible point to Humaita, *or pass that fortification with the consent of the government of Paraguay*, so that his excellency may be able to move immediately from here to the United States gunboat Wasp."

It would be improper on the part of the undersigned to speak of this proposition in the terms it deserves, after it has been gravely indorsed by the Brazilian government; and therefore he leaves it to the just indignation of that public opinion which must ultimately pass upon this correspondence, and which will treat this unheard-of proposition with the severe condemnation it so richly merits. Your excellency pronounces it friendly and magnanimous, while the undersigned deems it unfriendly and offensive, and, he might add, on the part of the marquis, trifling with the dignity of his position.

That the commander of the Wasp so considered it is manifest from his reply, which, written in doubt whether it was a serious proposition or one intended to cast ridicule upon the whole affair, is worthy of all praise. He says:

"Your excellency undoubtedly gives me credit for a knowledge, which I do not possess, of that usage of warfare which permits one of the belligerents, by a resort of a flag of truce, to pass by the fortifications and into the heart of the enemy's country without molestation. I know that the Paraguayan government would be guided by a false sense of courtesy did it permit such an act by a Brazilian vessel of war."

"A conversation, sought by one of the members of your excellency's staff, leads me to believe that your excellency thinks that the family of the President Lopez might seek protection under the American flag, and that to prevent such an occurrence you will not allow the United States steamer Wasp to pass through your fleet. The fact of virtually detaining as prisoners the United States minister and family in Paraguay in order to prevent the suspected escape of the feminine and infantine portion of President Lopez's family, is so unreasonable that it savors strongly of extending the dangers and difficulties of war to women and children."

Whether this proposition was ever intended by the Marquis de Caxias to be seriously received, or whether it was designed to treat Lieutenant Commander Kirkland's application with ridicule and contempt, it is equally unfriendly and offensive. *Unfriendly*, because it denies on the most frivolous and indefensible grounds an act of *courtesy* to a friendly and neutral power, which could not be withheld without offence, even if the law international conferred the right of such denial on Brazil, which it assuredly does not. And *grossly offensive*, because it assumes that the commander, officers, and crew of the United States steamer Wasp would act dishonorably and give information in regard to the Brazilian fleet to the Paraguayans, while no such suspicion of dishonorable conduct could possibly attach to the officers and crew of a Brazilian vessel of war, which it is gravely proposed to send hundreds of miles into the enemy's country.

Now it is patent to the world that the number and character of the Brazilian fleet, above and below Humaita, are as well known to President Lopez as to the Marquis de Caxias, the press, and the public. And if we are to believe official reports, it is equally certain that the state of things on the Paraguay, above the allied forces, is absolutely unknown to the Marquis de Caxias or any other person. If, then, every person on board the Wasp were of the disreputable character implied, the most they could possibly communicate to the injury of the allies would be to report the number of vessels they saw; information which President Lopez has already. How utterly idle, then, and how exceedingly offensive the pretence that the passage of the United States steamer Wasp, under the United States flag, and commanded and officered by *gentlemen* who recognize all the obligations which a high sense of honor imposes upon them as neutrals—how exceedingly offensive to a friendly nation to allege that such passage would be injurious to the interests of Brazil, "because of the operations and movements of war shortly to be carried into effect near the place indicated as the destination of the North American steamer." That is to say, "the steamer of a friendly neutral power, rapidly running through our lines, and communicating with no one but the commander-in-chief and his staff, will become possessed, supernaturally, no doubt, of all our purposes; and those on board *not* being men of honor, will disclose to our enemy, the President, and not the people of Paraguay, the knowledge thus supernaturally acquired."

But while the Marquis de Caxias thus guards against American officers not revealing what everybody knows, and nobody better than President Lopez, and while he cannot listen to the idea of a friendly neutral passing his lines, he perceives the benefit to be derived from availing himself of the occasion presented, to send one of the Brazilian vessels of war above Humaita, with a flag of truce, into the very heart of the enemy's country, to bring away the United States minister, and at the same time explore the *terra incognita* where he would willingly extend his operations. Nay, he would go even still further, and permit the iron-clad thus employed, now above Humaita, to repass

that fortification with the consent of the government of Paraguay, and thus escape from what is deemed a perilous position until the fall of Humaita, if fall it should. What President Lopez would have said to this proposition the good sense of the commander of the Wasp promptly determined; what the Brazilian government thinks of it is to be found in its formal approval, conveyed to the undersigned by the dispatch of your excellency; but what the governments, statesmen, and military men of Europe and America may say of it, remains to be seen.

President Lopez, "the government of Paraguay," was the only party who could possibly suffer injury from the presence of a friendly neutral in his waters and amidst his defenses. And yet President Lopez, recognizing his duty to that friendly neutral, and to the comity that should be practiced between nations, and entertaining none of the doubts in regard to the *honor* of American naval officers, which so disturbed the mind of the Marquis de Caxias and made him desirous of sending a Brazilian vessel of war into his enemy's country under a flag of truce, to be guaranteed by the flag of the United States minister, no doubt, promptly consented that the United States steamer Wasp should ascend the Paraguay to any place she might desire to visit.

The undersigned is of opinion that the facts of the case will abundantly demonstrate whether the act of the Marquis de Caxias, indorsed by Brazil, was not as unfriendly and offensive as it clearly was in violation of international law and the sovereignty and honor of the United States.

But, says your excellency, if the Wasp had been permitted to pass the blockading lines of the allies, other nations would have been entitled to claim a similar right for all their ships. Most assuredly so, if those other nations had diplomatic representatives at Asuncion whom it was desirable to get away. But Mr. Washburn is the only diplomatic representative resident in Asuncion, and consequently the position is untenable.

Your excellency next quotes Rear-Admiral Godon, then commanding the United States South Atlantic squadron, as fully justifying the action of the allies in 1868. So correct is this, says your excellency, "that Admiral Godon himself, in 1866, when the passage of Mr. Washburn to Paraguay was in treaty, was the first to admit it, merely begging in his request the passage of Mr. Washburn, and that he might be helped forward to his destination *either by land or by water*, without placing any obstacle in his way. This is just what the Marquis de Caxias desired to effect in the present instance, had he not been denied the option."

It is no news to the undersigned that in 1866 Admiral Godon, having quarreled with the three United States ministers in the river Plata—General Asboth, Mr. Washburn, and Governor Kirk—and with the consuls of the United States at Buenos Ayres and Montevideo, instead of simply obeying orders, and furnishing the United States vessel, which Mr. Washburn was authorized to demand, to take him to Asuncion, did all in his power to prevent Mr. Washburn's having such conveyance, and on one occasion actually went *north* from this port instead of *south*, apparently to avoid receiving the contemplated application. But it is news to him that the then commanding officer of the United States squadron on this station should have permitted his feelings of hostility to Mr. Washburn to render him so forgetful of his duty to his country as to indorse and justify and advise the Brazilian government in its assumption that it might safely, and with great propriety, refuse to permit one of our national vessels to pass its lines with our minister on board, provided the minister "was helped forward to his destination, *either by land or by water*, without placing any obstacles in his way."

But the Brazilian government and its representatives in the river Plata well knew that Rear-Admiral Godon was not vested with any diplomatic powers whatever, and that he was as proverbially ignorant of the law of blockade as of international law. He was the last man in the navy to be safely intrusted with the discussion of such questions; and his expressing any opinion upon Mr. Washburn's case, or making any admissions in regard to it, was simply meddling with what did not concern him. That he should have done so in the gratification of a vindictive feeling toward a gentleman in every respect his superior, does not surprise the undersigned; but it does surprise him greatly that your excellency should refer to the unpatriotic acts of that personage, who was the representative of himself and his vindictive feelings only, as justifying a proceeding which every department of our government, and its four diplomatic representatives in this region, as well as every intelligent foreigner here, united in condemning. The undersigned does not doubt that Rear-Admiral Godon *did* make the admissions described, and did, in the gratification of his vindictiveness, seek to produce a result so diametrically opposite to what justice and honor, and national sovereignty, as well as the convenience of our minister and family, demanded; but as he was not vested with any diplomatic powers in the premises, and as it appears that if he had been he would not have exercised them in the interest of his country, his opinions and admissions cannot, with propriety, be introduced into this correspondence.

The undersigned makes no apology for the length of this note. The existing diplomatic relations between the United States and Brazil, and the present and future intercourse between their people—whose interests, political and commercial, are inseparable—

able—depend, to a very great extent, upon the amicable adjustment of the pending difficulty; a difficulty which should not and could not have arisen, and in the progress of which the sovereignty and international rights of neither party could have become involved, if Brazil had promptly extended to the United States that comity which is usual among all friendly nations.

Being prohibited from arguing the question of right in this very important matter, the undersigned, frankly and in the interests of good neighborhood, will now proceed to extract from his various instructions on this subject the well-settled convictions of his government in relation thereto, all or most of which may be found in part two of the published diplomatic correspondence of 1866:

"Mr. Seward to General Webb.

DEPARTMENT OF STATE,
"Washington, April 21, 1866.

"We have learned, with much surprise, that Charles A. Washburn, esq., minister resident of the United States to the republic of Paraguay, has been hindered and detained at or near Corrientes, on the Parana River, by the allied armies engaged in the war against Paraguay, on his return, after a leave of absence, to Asuncion, the capital of Paraguay. I give you for your information a copy of instructions which have been sent to him in this emergency. We sincerely hope to learn that the Emperor of Brazil has neither ordered nor approved of this hinderance to the passage of the diplomatic representative of the United States, so disrespectful in itself and so entirely inconsistent with the law of nations.

"You will bring the subject to the notice of the government and the Emperor, and ask an explanation.

"Mr. Seward to General Webb.

DEPARTMENT OF STATE,
"Washington, June 27, 1866.

"I am obliged to write, therefore, in ignorance of the present condition of affairs in South America. Nevertheless, the sovereignty and honor of the United States will admit of no hesitation or delay in the matter. Mr. Washburn is therefore now instructed to return at once to the United States if the hinderance before alluded to shall not have ceased, through some proceedings of the governments concerned.

"In the case that you shall have put into execution the before-mentioned instruction which was given you by this department on the 21st day of April last, and shall not have received the satisfactory explanations which you were instructed to ask from the government of Brazil, you will now demand such explanations peremptorily. If they shall not be given you *within six or eight days, you will ask for your passports to return to the United States.*

"The Secretary of the United States, the Hon. William H. Seward, to General Asboth.

DEPARTMENT OF STATE,
"Washington, September 24, 1866.

"I have now before me a copy of a definitive correspondence which has taken place between this department and the Brazilian government, which leads me to hope that long before this reaches you the difficulty will entirely have ceased. But among the papers which the record presents is a letter written by President Mitre to Mr. Washburn on the 24th of July last, which distinctly asserts and maintains the right of the allies to make that detention endure according to the pleasure of the allies. The President of the United States *cannot consent to hold relations of peace and friendship even with friendly nations, when they make their own interests the rule of exposition instead of the law of nations.*

"The Secretary of State of the United States to General Webb.

DEPARTMENT OF STATE,
"Washington, September 23, 1866.

"The paper treats of the final disposition and settlement of the annoying question which arose by the detention of Mr. Washburn, &c., &c., &c.

"The President, however, marks the incident that the opposition to the passage of Mr. Washburn was withdrawn under a *protest*. So far from considering the question of the

right of Mr. Washburn to proceed to his destination as a debatable one, the United States cannot consent to argue that question.

"In the second place, you are authorized to state that the sensibilities of the American people have been wounded by the transaction.

"I am not prepared to say that, in the absence of an explanation by the allies, the settlement of the question which has been made will be held to be satisfactory.

"I am, sir, your obedient servant,

"WILLIAM H. SEWARD."

Your excellency will perceive from the foregoing extracts from instructions from the Secretary of State of the United States why the undersigned has not entered into any discussion of the rights of his government in the question pending between it and the allies, prosecuting a war against the government and not the people of Paraguay. He has but one course left him to pursue, and that is, to urge upon "the government and Emperor of Brazil" a reconsideration of their decision as conveyed to him in your excellency's note of the 9th instant. And again, in the words of his note of the 1st instant, "he earnestly entreats that the government of Brazil will, without any unnecessary delay, issue instructions that all hindrance to the United States steamer Wasp's passing through the lines of the allies on the Paraguay be withdrawn, and promptly advise the undersigned that such hindrance has altogether ceased."

The undersigned avails himself of this occasion to renew to his excellency the assurances of his distinguished consideration.

J. WATSON WEBB.

His Excellency JOAO SILVEIRA DE SOUZA,
*Councillor to his Imperial Majesty the Emperor,
 Minister and Secretary of State for Foreign Affairs.*

Mr. Webb to Mr. Seward.

[Extract.]

LEGATION OF THE UNITED STATES,
Boa Viagem, opposite Rio, August 7, 1868—5 p. m.

SIR: In my last I stated that the minister of foreign affairs desired me to ask for a conference, which I had declined doing, at the same time expressing my readiness to wait upon him at the Foreign Office whenever desired to do so. I was in consequence invited to a conference on the 1st of August.

We accordingly were in conference two and one-half hours on the 1st, three hours on the 4th, and nearly three hours to-day, I having just returned from the Foreign Office.

The result was that I left with the minister my dispatch herein inclosed and marked No. 4, he having previously explained that in no event should the Wasp be impeded in her course to Asuncion. It is understood that Paranhos's note, "subject only to such trifling delay as may arise from the active execution of any military operation which may transpire at the time," means simply that if, when the Wasp arrives at the front, the Brazilians are actually firing at the enemy, they shall not be required to cease firing; but in such an event, the Wasp shall wait until the firing cease. To this I assented, stipulating, however, that if the Wasp thought proper to pass between and under the fire of the belligerents, she should have a right to do so, and in like manner the belligerents would be at liberty to sink her if they can, and she is sufficiently foolhardy to invite destruction.

I shall send a brief dispatch by telegraph from London, announcing the result of the Wasp affair.

I have reported to Admiral Davis that a United States vessel of war

may go up the Paraguay for Mr. Washburn; and have requested him to send the Wasp, with the same commander. This he will do.

* * * * *

Humaita was attacked on the 16th by the allied forces, and the assailants beaten off with fearful loss. On the 18th the allies were again badly beaten in the Chaco.

On the 25th the allies discovered that Humaita had been evacuated by Lopez's forces, and they quietly took possession of it. The city of Rio has, in consequence, been illuminated for three nights in succession. There is no end to the rejoicing, and the press assures the people that there is no such triumph on record in ancient or modern warfare.

I have the honor to be, very respectfully, your obedient servant,
J. WATSON WEBB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Senhor Paranhos to Mr. Webb.

[Translation.]

CENTRAL SECTION, DEPARTMENT OF FOREIGN AFFAIRS,
Rio de Janeiro, August 5, 1864.

The undersigned, councillor to his Imperial Majesty, and his minister and secretary of state for foreign affairs, has the honor of addressing himself to General James Watson Webb, envoy extraordinary and minister plenipotentiary for the United States.

The object of the present note is to reply to that of the 13th ultimo, which was received by the predecessor of the undersigned, relative to the passing of the steamer Wasp through the lines of the rigorous blockade of the allies, in the waters of the Paraguay River, for the purpose of bringing away from the enemy's territory Mr. Charles A. Washburn, minister resident for the United States near the republic of Paraguay.

The undersigned, having had the honor of conferring with General Webb on the 1st and 4th instant, will defer the considering of each of the propositions of the note referred to.

The undersigned holds himself excused from that duty, as he feels assured that they do not contain the slightest idea of a rupture of the friendship and customary deference with which the government of the Union has ever responded to that of his Majesty the Emperor; and also because he at the same time acknowledged that it is of urgent importance that the understanding should be arrived at which is desired by both parties, with regard to the passing of Mr. Washburn through the territory occupied by the allied forces.

The imperial government is grieved at perceiving that, either because the propositions submitted by the Marquis de Caxias were not understood as they were meant to be, or that owing to the illness of Mr. Washburn's wife, the egress of that gentleman and his family should have been delayed until the present time. The undersigned is confident, however, that General Webb is also profoundly convinced that on the part of Brazil there does and always has existed a most sincere desire to maintain and tighten the most friendly relations with the government at Washington; and therefore that it never has been wanting either in courtesy or consideration towards its representatives.

General Webb knows that the passing of the diplomatic agent of the United States through the territory which the allies occupy in the waters and on the banks of the river Paraguay was not denied to him, they having, nevertheless, the full and undeniable right of jurisdiction therein, according to the right of nations. The question has rested upon the way or manner of passing between the war lines of the allies without weakening their moral force, or injuring the activity of their operations, or giving rise to questions with other neutral powers.

Now, as in 1866, when the passing up the river of Mr. Washburn was under consideration, the allied governments and their representatives at the seat of war had not, nor have they, anything in view other than the conciliating of the interests and necessities of the belligerents with the duties of courtesy and friendship which they are only too happy to observe towards so neutral and friendly a power as that of the United States.

The Marquis de Caxias, in his character of general commander-in-chief of the allied

forces, did not hesitate, on the reception of the dispatch from the commander of the Wasp, to point out and help to execute two sure methods for the speedy return of the United States minister who is in the enemy's country. Unfortunately, however, those methods it seems were not deemed admissible, for it was declared to us that both were impossible; notwithstanding, the undersigned begs leave to explain *en passant*, perceiving that they evidently were not duly appreciated.

The distance by land from Tayi to Curupaiti is little more than five leagues, which would have been gone over by Mr. Washburn in a carriage and other conveniences which the Brazilian general would have had much pleasure in placing at the disposition of the United States minister, his family, and suite. Only through ignorance of the conditions or circumstances of that journey could it have been compared, as it was, to the offensive offer made by President Lopez in 1864, after his declaration of war, to the Brazilian minister at Asuncion, Mr. Viana de Lima.

The government of Paraguay, during profound peace, commenced hostilities by surprising and capturing the Marquis de Olinda and the imprisonment of all her passengers, among whom was the president of the province of Matto Grosso. It was under such circumstances that he wished the Brazilian minister to retire by land to the *Passo da Patria*—that is, that Mr. Viana de Lima and his family should travel over fifty leagues, through the middle of an enemy's territory, without any guarantee as to the means of conveyance or indispensable help during so long a route, besides not having the slightest protection for their personal security.

The journey of Mr. Washburn from Tayi to Curupaiti would have been effected under far different circumstances, and in another way, much more speedy, honorable, commodious, and safe. Mr. Washburn would have passed through as a neutral friend, whereas in the case of the Brazilian minister at Asuncion he would have been unavoidably detained or delayed on his passage through the interior of a country whose government had most unexpectedly declared war against the empire, initiating it by those acts of most unjustifiable surprise and violence.

The second method suggested by the general commander-in-chief of the allied forces—that is, the passage of Mr. Washburn in a Brazilian vessel to Curupaiti—evinces deference towards the diplomatic agent of the United States, and cannot be otherwise considered without gravely impugning the intentions of the Marquis de Caxias, and manifesting ignorance of the true position of the belligerents.

The Brazilian division of six iron-clads, which forced the passage of Humaita in February of this year, has already been at Asuncion, and has cruised beyond Tebicuari more than once, round about Humaita, and on the opposite side called the Chaco, or right bank of the Paraguay.

General Webb declares that he cannot, in view of the instructions from his government, enter into an examination of the question of right involved in the passing of Mr. Washburn through the allies' lines of blockade, attack, and defence; and the undersigned admits also, on his side, that he should abstain from discussing the matter, since it was not the denying of a passage through to that diplomatic agent which is being treated of, but the reconciling of it with the inevitable necessities of the war to which the allies were provoked, and which they are using every effort to terminate in the speediest, most just and honorable manner.

The imperial government cannot, nor would it wish to proceed in an affair which, like this, is of grave importance to the alliance, without previously consulting with its allies; and the undersigned would therefore insist that the present emergency be definitely decided upon at the river Plata, or here, after communications shall have been received from both the Argentine and Oriental governments, if there were not on the one side the consideration that there is no one there to represent the United States, and, on the other, that the *Senhor Juan E. Torrent*, envoy extraordinary and minister plenipotentiary for the Argentine Republic near this court, manifests the same friendly and deferential disposition towards the United States that he does.

In pursuance to an agreement with Mr. Torrent, and in the hope that that agreement will be approved of and duly appreciated by the allied governments at the river Plata, the undersigned proceeds to propose to General Webb a solution of the question, which cannot fail to be considered as satisfactory, as well by the government of the United States as by its representative accredited near his Majesty the Emperor.

Mr. Washburn thought it impossible that President Lopez would consent to the passing of a Brazilian steamer under a flag of truce, for the inoffensive purpose of aiding him to retire, as mentioned before. Well, then, the government of his Majesty, in its own name and in those of its allies, will most willingly accede to the descent from Asuncion of the United States minister, on board of a Paraguayan vessel, under a flag of truce, to Curupaiti, or to the most advanced post of the allies, the Wasp to go up to that point, wherever it may be, and there to receive on board the diplomatic agent of his country.

Apparently the material difficulty pointed out by Mr. Washburn will be thus removed; there will be complete reciprocity of the just and friendly propositions which are advanced on both sides; in a word, the rights and supreme necessities of the belliger-

ents will be in harmony with the passing and returning of the representative of the United States.

But the imperial government and its allies will carry their deference to the United States beyond that. If its representatives near this court and at the republic of Paraguay hold that they should not accept either of these methods, or that the return of Mr. Washburn can be only effected safely and conveniently by the Wasp's going to receive him at his place of embarkation, then the allies will agree that a United States vessel of war shall proceed to that point for that purpose, that vessel being subject only to such trifling delay as may arise from the active execution of any military operation which may transpire at the time; the allies being well assured that the assertions of General Webb (which they never have doubted) with regard to the observance of the duties of a strict neutrality on the part of the vessel and of the representative of the Union shall most rigorously be carried out.

The undersigned hopes that this resolution taken by the imperial government, in combination with the representative of the Argentine Republic near this court, will be benevolently admitted by its allies at the river Plata, and that it will be apparent to General Webb and Mr. Washburn, and to their government, that this is a further proof of the cordiality with which the said allies profess the most friendly sentiments toward the United States government.

The undersigned avails himself of this opportunity to renew to General Webb the assurances of his high consideration.

JOSE MARIA DA SILVA PARANHOS.

Mr. Webb to Senhor Paranhos.

LEGATION OF THE UNITED STATES,
Boa Viagem, August 5, 1868.

The undersigned, envoy extraordinary and minister plenipotentiary from the United States, has the honor to acknowledge the receipt of a note from his excellency José Maria de Silva Paranhos, counselor to his Imperial Majesty the Emperor, minister and secretary of state for foreign affairs, dated yesterday, August 5, and which is in reply to a note from the undersigned addressed to the predecessor of his excellency, dated July the 13th, remonstrating against the decision of the late government, approving of the conduct of the Marquis de Caxias in refusing to permit the United States Wasp to pass his military lines on her way to Asuncion, the capital of Paraguay, for the purpose of bringing from that capital his excellency Charles A. Washburn, the duly accredited minister of the United States to Paraguay, and thus relieve him and his family from what the government of the United States declared to be a "disagreeable and probably dangerous situation."

The undersigned is greatly impressed with the friendly tone of this note from his excellency the minister of foreign affairs, and tenders to him his sincere acknowledgments for the cordial and frank manner in which he has complied with the wishes of the government of the United States.

His excellency, in reconsidering the too hasty action of his predecessor, and in recognizing the propriety and necessity of a movement by the government of the United States for the relief of its diplomatic agent in Paraguay, and the mode adopted for that relief, has given another and most acceptable proof, on the part of the government and Emperor of Brazil, of their determination to reciprocate the friendly feelings which have always controlled the action of the United States in its intercourse with all the governments on the continent of America. An "American policy," based upon the advanced civilization of the world, the progress of the age, the interests and wants of new peoples, in contradistinction to a policy which is of necessity the offspring of the past, and fettered by the thought and action of the period in which it originated, is recognized by all American statesmen, whether of the north or the south. And to secure to the government of America the benefits of such an "American policy," it is of primary importance that Brazil and the United States, and all the governments on this continent, all of them being constitutional governments, should cultivate among each other the most friendly intercourse and the closest political alliance compatible with their constitutional forms of government. To accomplish this great work, and to draw closer together the United States and Brazil, has been the one great object of the undersigned during his long residence at this court; and he is happy to recognize in the dispatch of his excellency the evidence of a similar feeling and purpose.

Orders have been forwarded by Rear-Admiral Davis, commanding the United States South Atlantic squadron on this station, to Lieutenant Commander Kirkland, commanding the United States steamer Wasp, to proceed at once to Asuncion for Mr. Washburn and his family; and it would be idle for the undersigned to assure your excellency that under no circumstances and in no conceivable event will the progress of that vessel to

or from Asuncion impede or in any way be injurious to the interests of the allies waging war against the government of Paraguay.

The undersigned is happy to avail himself of the occasion presented to renew to your excellency the expression of his cordial respect and great consideration.

J. WATSON WEBB.

JOSÉ MARIA DA SILVA PARANHOS,

Councilor to His Imperial Majesty the Emperor,

Minister and Secretary of State for Foreign Affairs.

Mr. Seward to Mr. Webb.

No. 233.]

DEPARTMENT OF STATE,

Washington, August 17, 1868.

SIR: Your dispatch of the 7th day of July, No. 68, has been received.

I learn from it that Rear-Admiral Davis, who commands the United States South Atlantic squadron, has sent the United States ship of war Wasp up the Parana, with a view to bring the United States minister, Charles A. Washburn, and his family, from Asuncion, the capital of Paraguay, and thereby remove them from their embarrassing and possibly dangerous situation; and that the Marquis de Caxias, the commander of the allied forces, refused to permit the Wasp to pass through his blockade up to Asuncion, in consequence of which refusal the Wasp returned to Montevideo, after a delay of forty-seven days, without having accomplished the object of her voyage. Your dispatch is accompanied by a copy of a note which, on the first of July last, you addressed to his excellency João Silveira de Souza, the secretary of state for foreign affairs of his Majesty the Emperor of Brazil, in which note you made complaint of this proceeding of the Marquis de Caxias, and requested that the same might be disapproved, and that the Wasp might, without delay, be allowed to proceed to Asuncion for the purpose of removing Mr. Washburn and his family. I find in an appendix to these papers a correspondence concerning the events which were the basis of your note to the Brazilian secretary, in which correspondence are contained letters from Rear-Admiral Davis, Commander Kirkland, of the Wasp, Charles A. Washburn, esq., United States minister in Paraguay, and the Marquis de Caxias. I have also received from Mr. Moran, late United States chargé de affaires in London, a cable telegram, from which it would appear that you have intimated a purpose to ask for a passport in case the Brazilian government should refuse to allow the request contained in your note before mentioned. I further find a reference to this latter point in your dispatch of the 8th of July, No. 69, which has been previously acknowledged. From this last paper I learn that at the time it was written no answer to your note had been received from the Brazilian secretary of state for foreign affairs, and that, in the event of an unfavorable reply, you contemplated making a request for a passport, and an immediate withdrawal from Brazil.

The grave and critical issue which it thus appears was pending at the date of your dispatch has probably before this time reached a solution, although many days may elapse before that conclusion shall become officially known to this government. It would be impossible, under these circumstances, to give you definite instructions upon the course to be pursued in the possible event of a sanction of the proceeding of the Marquis de Caxias by the Brazilian government; nor am I now authorized, nor is it deemed necessary, with such unauthentic information as we have, to pronounce the sense of the government concerning your con-

templated demand for a passport and the consequent close of your mission at Rio.

It is thought, however, to be neither improper nor premature to consider the several matters in regard to the *Wasp* which are expressly brought in review by your dispatch.

The proceedings of Rear-Admiral Davis in directing the *Wasp* to go up the Parana to Asuncion for the purpose mentioned is approved.

This government holds that it has a lawful right to send a ship of war up the Parana to Asuncion, for the purpose of receiving the United States minister and his family, and conveying them from the scene of siege and war to neutral territory or waters; that the refusal of Marquis de Caxias to permit the *Wasp* to pass up to Asuncion violates becoming comity on the part of Brazil and the allies towards the United States, and is in contravention of the law of nations; that Mr. Washburn and Commander Kirkland justifiably and properly declined the alternatives offered by the Marquis de Caxias. The requests upon the Brazilian government, expressed in your note to the secretary of foreign affairs, are approved and adopted.

Should this dispatch find you in the performance of your official duties, you will read it to the Brazilian secretary for foreign affairs, and deliver him a copy if he shall desire it.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES WATSON WEBB., Esq., &c., &c., &c.

Mr. Seward to Mr. Webb.

No. 235.]

DEPARTMENT OF STATE,

September 15, 1868.

SIR: I have to acknowledge the receipt of your dispatch of the 7th of August, which is without number, and which is accompanied by a copy of the final correspondence which has taken place between yourself and Mr. Paranhos, the Brazilian secretary of foreign affairs, relating to the opposition which was offered by the Marquis de Caxias to the voyage of the *Wasp* up the Parana River, with the view of relieving Mr. Washburn and his family at Asuncion.

Your proceedings in the settlement of that vexatious case, as they are represented in your dispatch and the accompanying correspondence, are approved and commended.

You will assure the Marquis de Paranhos that this government highly appreciates the just and friendly manner in which the transaction has been brought to a satisfactory end on the part of the government of Brazil.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES WATSON WEBB, Esq., &c., &c., &c.

Mr. Webb to Mr. Seward.

[Extract.]

LEGATION OF THE UNITED STATES,

Boa Viagem, October 8, 1868.

SIR: I have the honor to inclose a copy of a letter addressed to Admi-

ral C. H. Davis, in relation to what I consider a measure of *policy* on the part of our squadron. From what Mr. Washburn writes, I have but little doubt that the persons he left behind him as constituting a part of his legation have been already murdered; and yet I think the honor of the country appears to demand some such demonstration as I ask. England, France, Italy, and Spain, all have sent gunboats up to Asuncion; and considering the outrage perpetrated on our legation, we are called upon, if for appearances only, to send all our disposable force up the river. I do not know, nor do I believe, that they could do any good, as probably our two citizens are no longer living. But, nevertheless, sound policy requires that we do something more than those who have no such outrage to punish as that perpetrated against our legation.

Neither Admiral Davis nor I have anything to do with the approval or censure of Mr. Washburn's conduct in the press. It is sufficient to know that the sanctity of our legation has been violated to justify and to demand such interposition as I have asked. And it is satisfactory to know that the cost of a demonstration which would be invaluable to us would be precisely the expense of the fuel consumed; no more and no less. And if, as is said, an expedition up the Paraguay would prevent the Guerriere's contemplated visit to the Cape of Good Hope and coast of Africa, whence the Quinnebaug has just returned, the value of the coal thereby saved would be double the cost of that consumed by our small steamers in an expedition up the Paraguay, where, at present, we are the only naval power *not* represented.

Admiral Davis is one of the most accomplished and intelligent gentlemen in our navy, and nobody can know him without entertaining for him both respect and affection. He is, withal, a gentleman of science, and so courteous and just to all under his command that he is justly popular on shipboard as well as on shore. Most assuredly, I know no gentleman in service who possesses more of my regard; and yet we differ as widely as the poles in regard to what is required of him in this emergency. He thinks the whole affair not worth a second thought, and, like most naval officers, perceives no peculiar sanctity about the diplomatic representatives of a country. Of course my views are directly the opposite of his. We have no right to consider *what should be*, but must look at *what is*; and so long as we recognize the existing mode of international intercourse, we have no option but to vindicate our own honor, and in so doing punish, or attempt to punish, what is equally an outrage against every civilized nation.

What Admiral Davis will do I cannot pretend to say. He was to have sailed with his entire squadron for the river Plata at the end of this week. Recent events, most certainly, will not delay his departure.

Beyond all question you will receive full details of all that has transpired from Mr. Washburn. * * * * *

Doubtless Mr. Washburn will sail from here for New York on the 26th. We expect him on the 20th.

Very respectfully, your obedient servant,

J. WATSON WEBB.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Webb to Rear-Admiral Davis.

LEGATION OF THE UNITED STATES,

Boa Viagem, opposite Rio, October 6, 1868.

MY DEAR SIR: I yesterday received from his excellency Charles A. Washburn, United

States minister resident to Paraguay, a communication, dated Buenos Ayres, September 26, 1868, apprising me of his safe arrival at that city in the *Wasp*, in which he says: "We have barely escaped *alive*. You probably little thought, when you were battling with the Brazilians so strongly for a gunboat to come to my relief, that I was at that time in danger of my life." And he also informs me that Lopez "took away Bliss and Masterman," his secretary and interpreter, "by force, at the moment of leaving the legation to go on board the steamer."

I felt, of course, that while we had rescued the minister and his family our work was only half completed, and that the honor of our country had been directly insulted by Lopez thus trampling upon the rights of our legation, and by the gross outrage perpetrated upon two of its members, by their forcible seizure when under the immediate protection of our minister. And consequently I immediately inclosed to you Mr. Washburn's letter, with a brief note, saying: "I write thus that you may turn this matter over in your mind before I join you;" and I begged you to send a boat for me at 2 p. m. This you did, and I am indebted to you for the prompt and kind manner in which you have always complied with similar requests, as well as for your cordial co-operation at all times in the discharge of my public duties.

I reached the *Guerriere* at 2½ o'clock p. m. I am sorry to say that for the first time in our official intercourse there appeared to exist a wide difference of opinion upon a question of duty, and especially in regard to the gravity of the existing emergency: I believing that this is precisely one of those cases to meet which our country keeps up, at great expense, a large squadron on this station, the protection of our citizens and the prompt vindication of our national honor; while you, unfortunately, look upon it as an event of no special significance, and which calls for no assumption of any unusual responsibility on your part, because you have no instructions or direct orders in contemplation of such a contingency—a contingency which, of course, could not be foreseen and anticipated.

'You inquired what would I have you do; and I answered then, and I answer now, I would have you send up to Asuncion every available vessel of your squadron and demand the immediate release of Mr. Bliss and Mr. Masterman, two members of the United States legation in Paraguay, forcibly seized by Lopez in violation of their diplomatic rights, and now held in prison by the tyrant, if, as Mr. Washburn suggests, they have not already been put to death. And even if the chances were ninety-nine out of a hundred that they are no longer in existence, such in my judgment is the importance of this action, in view of its influence upon the opinion of the civilized world in regard to the character and the energy of our government, and the efficacy of our navy, that I would have you transfer your flag to one of the smaller vessels of your squadron and go up the Paraguay and make such a demonstration at least as will prove that England is not the only nation that protects the lives and persons of its citizens and the diplomatic rights of its representatives, without stopping to count the cost. True, we are not called upon to raise an army of 10,000 veterans, at a cost of \$30,000,000, for a second Abyssinian expedition into the wilds of Paraguay, but we may safely incur the expense of the fuel necessary for what I propose, and this is all it can cost us. Our squadron is here for just such work—to protect the commerce, the lives, and the persons of our people; and you have already informed me that the entire squadron will sail for the river Plata during the present or early next week, with the exception of the *Shamokin*, which is to go home, probably to be broken up. But why send her home, if an emergency is presented in which she can render as good service as any other vessel of the squadron?

Be assured, my dear admiral, that this is no ordinary occurrence. The eyes of the civilized world are upon us, and precisely as you may act in this emergency will our country come out of the affair with credit and honor or lose prestige as a nation. You and I have done our duty in sending up the *Wasp*, but we have not yet discharged our *whole* duty; and, in my opinion, to complete our work, we must make such a demonstration as I am urging upon you. We are both servants of one government, and each independent of the other, to be controlled only by our common superior, the President of the United States, speaking through his Secretaries of State and of the Navy. I do not claim the remotest right to control your action, and feel the full responsibility of attempting to influence it. But it is my imperative duty to call upon you officially to act energetically in this emergency, stating, at the time, my reasons for making such call, and assuming all the responsibility of so doing. That duty I have attempted, hastily, to discharge, and now your responsibility begins. That you will meet that responsibility fearlessly and do what you think is *right*, I know.

You remarked to me yesterday that you had no facts to warrant the action I recommended and solicit; and that although you had received Commander Kirkland's report of his visit to Asuncion and return to Montevideo, it contained nothing which demanded the proceeding I desire.

One word in regard to Commander Kirkland, and the manner in which he has discharged the delicate duty upon which he was detached, in both of his visits up the Paraguay. No officer of any rank in the navy could have done better; and his reply

to the Marquis de Caxias, when that personage proposed to send a Brazilian iron-clad up the Paraguay for Mr. Washburn, was so apposite and so appropriate to the occasion, that I quoted the most of it to the Brazilian minister of foreign affairs when reiterating my demand that the Wasp should not be obstructed in her passage of the allied lines on her "errand of mercy." And Mr. Washburn, in his letter to me, attributes his escape with life to Commander Kirkland's manly defiance of Lopez, and his indignant threat of consequences if he dared to carry out his avowed intention of detaining a United States minister in Paraguay.

What Mr. Kirkland could or should have reported in regard to Lopez's conduct towards our legation in Paraguay is not for me to determine; but Mr. Washburn, the duly accredited minister of the United States to the government of Paraguay, has made his report, which I have placed in your possession, and every word of which I indorse. And in addition I send herewith a supplement to the Buenos Ayrean Standard, of the 26th of September, in which you will find a letter from Mr. Washburn to the British minister accredited to the Argentine government, giving a full history of events in Paraguay for the past six months. That document was sent to me by Mr. Washburn, and I desire to have it received as a part of this official communication.

You do not know Mr. Washburn, but I do; and I know, too, that both at Buenos Ayres and here in Rio de Janeiro the public press, in the interest of Brazil and the allies, is doing all in its power to blacken his character. On the other hand, the Standard, representing the feelings and opinions of the foreign diplomatic corps, and of the British minister and British residents in Buenos Ayres, does Mr. Washburn full justice and commends his conduct throughout. I know him to be a man of honor and truth; but even if he were personally unknown to me as he is to you, both you and I know him to be the duly accredited minister of the United States, and his testimony, which we have, it is our bounden duty to respect. He tells us that two members of his legation were forcibly detained as prisoners by Lopez, and that their lives are in danger if, as is quite probable, they have not already been murdered, and we have nothing to do with what others may say or do in regard to the affair. Our government is far distant; appeal to it is impossible; and therefore it becomes my duty officially to make a requisition upon you to interpose for the vindication of our national honor and the protection of our citizens. I am responsible to our government for the grounds upon which that requisition is based, and it is your right to respond to or reject my application, and for so doing you and you only are responsible.

In conclusion, permit me to add that, in my judgment, an emergency of such rare occurrence, and so certain to redound to the honor of our country and the credit of all concerned, if judiciously managed, should be deemed a great boon. For weeks past the press in this region has teemed with rumors of insult to the United States legation in Paraguay, and a violation of its sanctity; and, beyond all peradventure, the rumor is ere this widely circulated through Europe, and statesmen and diplomatists, our enemies and our friends, while uniting in lauding England for her recent exploits in Abyssinia, and her noble sacrifices in giving protection to her official agents and humble citizens, in a far off and barbarous land, are anxiously watching to learn what will be the conduct of the great American nation under almost identical circumstances. I pray that the response may be the immediate departure of every vessel of our squadron, of light draught of water, to the capital of Paraguay.

Such demonstration, made without one day's unnecessary delay, whether successful or not, would, in my judgment, be invaluable to our country and to its navy. And if this be not precisely such a duty as our squadron is kept on this station to discharge when the emergency occurs, then, most assuredly, I am ignorant of any necessity for United States squadrons in every quarter of the world in time of peace.

Pardon me for having written so much. I could not write less. And, whatever may be your decision in the premises, I do not entertain a doubt but it will be based upon patriotism, as it will unquestionably be the result of wisdom and a conscientious discharge of duty.

Believe me, my dear admiral, most devotedly your friend and obedient servant,

J. WATSON WEBB,

United States Envoy Extraordinary and Minister Plenipotentiary.

Rear-Admiral CHARLES H. DAVIS,

Commanding United States South Atlantic Squadron.

Mr. Webb to Mr. Seward.

[Extract.]

No. 75.]

LEGATION OF THE UNITED STATES,
Rio de Janeiro, October 24, 1868.

SIR: I have the honor to inclose herewith the continuance of my cor-

respondence with Rear-Admiral Davis, numbered 3, 4, 5, and 6; No. 2 having already been forwarded with my dispatch No. 74, via England.

In my second letter to the admiral I give only an extract from my hasty private note, written at the consulate, and asking a boat to be sent me. To show that my only object in suppressing any part of that note was to save time and labor, I now place the entire note before you. It was as follows:

CONSULATE, 12½.

MY DEAR ADMIRAL: I inclose for your perusal a letter from Washburn. I think we should talk this matter over, and see if anything can be done to relieve the two members of the United States legation, so outrageously seized by Lopez. It is one of those cases in which to do nothing is to do wrong; and it appears to me that the mere fact of sending up a force to look after our people would, at least, avert much reproach that will otherwise fall upon us.

As to sending Washburn from the La Plata in a United States gunboat, that is quite unnecessary. Our government has brought him down from Asuncion, and that is demonstration sufficient. Now our duty is to look after the other members of the legation. No matter who appointed them our obligation is equally binding. But I will come to you at two, or a little sooner. I have an appointment at the foreign office at 1 o'clock, and write this that you may turn the matter over in your mind before I join you. If your boat is at the landing at a quarter of two, I shall doubtless be there.

Your friend,

WEBB.

This accounts for my reception by the admiral, as detailed in my second note to him, marked 4, and dated October 9, when he declined doing anything; and especially to hurry his departure, fixed for the 10th, and get off on Thursday, the 8th. I told him he left me no alternative but to address to him an official note, recapitulating all I had said, and urging him to take up the Paraguay every vessel of his squadron of light draught of water, five in number. He said he hoped I would do nothing of the kind. I replied that it was my duty so to do, and make a requisition upon him for the employment of the squadron in the present emergency, and having done that, the responsibility of refusing to act would rest upon him. He answered, "I will write in reply, I do not choose to respond to your call. No, I will not say I do not *choose* to; I will reply, that on my arrival at the river I will investigate the matter." I rejoined, "there is nothing to investigate. I have placed in your hands Mr. Washburn's report to me; and that, and his letter to the British minister at Buenos Ayres, cover the whole ground." In answer to this he said that Washburn's letter was not worthy of credit, as his fears for his life had disqualified him as a witness; he was a frightened man, and his letter to me showed that he had not yet recovered from his fears. I insisted that I knew Washburn, and indorsed all he had written, and that he, the admiral, had no right to listen to, or put faith in, what others said. We then agreed that our official differences of opinion in regard to a question of duty need not and should not cause any change in our personal relations.

Judge then of my surprise at the receipt of his letter of the 8th. He is an exceedingly weak man, notwithstanding his accomplishments, and has those about him who have led him astray. One thing is certain; we cannot both be right, and one of us should be severely censured, if not recalled.

I will not attempt to describe the general feeling of indignation among Americans at the inaction of our squadron and the contemptuous terms in which intelligent men of all nationalities speak of us. To show that neither our government nor its minister are to blame in this, I inserted

in a card defending Mr. Washburn, which I published yesterday, a paragraph to which I call your personal attention. You will find that card inclosed.

General McMahon arrived in the steamer Mississippi on the 21st and called on the 22d, after having been on board the flag-ship both on the 21st and 22d. Before showing me his instructions from you, he inquired if there would be any obstructions to his going up the Paraguay to Asuncion. I asked if he had any such purpose in view. He said that he had; that Admiral Davis intended to take him to the river next week, when he would change his flag to one of the smaller vessels (the Pawnee) and take him up to Asuncion, in order that he might present his credentials to Lopez and liberate Bliss and Masterman. * *

He said there were so many versions of what had occurred that he could not decide what to do until he reached the river. I replied, "That is an error; there is but one version of the facts of the case to which you or I or the admiral can refer, or which we can receive, and that version is contained in the official report of your predecessor, the duly accredited minister of the United States to Paraguay, and indorsed by me from my knowledge of the man and his official character."

I then placed in his hands for perusal, my correspondence with Admiral Davis. What subsequently passed between us may be gathered from the following * letter, which I addressed to him yesterday; but which was not sent until to-day.

I should have stated sooner that when the Brazilian Times announced, on the 8th, that the United States squadron was under orders for the river, Admiral Davis, who had that day written me the exceedingly offensive note which called forth my second letter, addressed the editor of that paper as follows:

FLAG-SHIP GUERRIERE, October 9, 1868.

MY DEAR SIR: I am very much obliged to you for the two papers which you very kindly sent me, and I shall have the pleasure of saying this in person on my return from Petropolis.

I see in these papers that you take an interest in the movements of my squadron, but that the source of your information is incorrect. Not only is the squadron not under orders for the La Plata, but no single vessel of the squadron is under sailing orders at this moment for any place.

Very truly yours,

C. H. DAVIS, *Rear-Admiral.*

WILLIAM SCULLEY,

Editor and Proprietor of the Anglo-Brazilian Times.

I learn that the English have two gunboats up the Paraguay, and they are hourly expecting a third to arrive, which will be immediately sent up to join the Linnet and Beacon. France, Italy, and Portugal have one each. Lopez refused to give up his English prisoners to the English secretary of legation, Mr. Gould, who was on board the Linnet, and that gentleman immediately left to report to his minister at Buenos Ayres. Lopez then sent word to the French gunboat Decidée, that he was willing to release the Englishmen.

Mr. Washburn writes me under date of the 14th October, confirming the previous report that Lopez *had shot both his brothers and his sister*, the widow of General Barrios, who committed suicide some months ago to escape torture. And Mr. Matthew, the English envoy at this court,

* For this letter see inclosure A to dispatch from United States minister to Paraguay, No. 7, October 27, 1868.

writes me as follows. Although his note is marked "private," I have his permission to send it to you:

Private.]

OCTOBER 15, 1868.

MY DEAR GENERAL: Will you allow me to ask what steps you are taking in consequence of the treatment of your legation in Paraguay? If the last letter published as from Mr. Bliss was genuine, its tone, I am sorry to say, confirms the belief that it was written under torture.

Rumors of all kinds are, of course, rife, and I frankly confess that I expected ere this to have heard of some decided course of action, and I should be very sorry to see the prestige of the United States in this land affected by any unsuitable delay or hesitation in a case that seems worse than ours in Abyssinia.

Indeed, I almost question whether all nations should not unite in bringing this monster to his senses. The latest accounts I see assert that Lopez had ordered his sister and his brothers to execution.

With best regards to Mrs. Webb, believe me, my dear general, most truly yours,
G. BUCKLEY MATTHEW.

His Excellency General WEBB, *&c., &c., &c.*

My only reply was a statement of the fact that Rear-Admiral Davis ignored my right to have any opinion on the subject, while his admiral, Ramsay, promptly responded to his calls, and sent every vessel he had up the Paraguay, and will send up the gunboat to arrive.

* * * * *

Very respectfully, your obedient servant,

J. WATSON WEBB.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Rear-Admiral Davis to Mr. Webb.

UNITED STATES FLAG-SHIP GUERRIERE, (1st rate),
Rio de Janeiro, October 8, 1868.

SIR: I owe you, perhaps, an apology for not having acknowledged sooner the reception of your letter of the 6th instant, in which you give me the *unsolicited* benefit of your opinion on the subject of my official duties.

Since your opinion is formed without a knowledge of all the circumstances of the case, I may not, possibly, attach so much value to it as you seem to expect.

Very respectfully, your obedient servant,

C. H. DAVIS,

Rear-Admiral Commanding South Atlantic Squadron.

His Excellency J. WATSON WEBB,
United States Minister Plenipotentiary and Envoy Extraordinary to the Court of Brazil.

Mr. Webb to Rear-Admiral Davis.

LEGATION OF THE UNITED STATES,
Boa Viagem, October 9, 1868.

SIR: On returning from the United States consulate to the ferry, yesterday afternoon, when passing a Portuguese corner grocery, known as "Portuguese Joe's," the proprietor stopped my carriage and placed in my hands your official letter dated yesterday, October 8, in answer to my official letter of the 6th, delivered on board the *Guerriere* on the same day, by my secretary in person. Your letter is as follows:

"SIR: I owe you, perhaps, an apology for not having acknowledged sooner the reception of your letter of the 6th instant, in which you give me the *unsolicited benefit* of your opinion on the subject of my official duties.

"Since your opinion is formed without a knowledge of all the circumstances of the case, I may not, possibly, attach as much value to it as you seem to expect."

There is no mistaking the purport of this language; although it does appear incredible to me that it should have been penned by you.

The first paragraph of your response to my letter of the 6th is, as subsequent reflection must have satisfied you, equally *inaccurate and unjust*. To demonstrate this declaration, I am compelled to go back to the origin of a difference of opinion which the tenor of your note aims to convert into a *personally offensive* correspondence.

Immediately on receiving and reading Mr. Washburn's letter, which I did at the consulate on the 5th, I handed it to Fleet Surgeon Duvall to read and deliver to you; and while he was reading it, I addressed to you the following hasty note and handed it to the doctor, which you subsequently returned to me:

"CONSULATE, 11½.

"MY DEAR ADMIRAL: I inclose for your perusal a letter from Washburn. I think we should talk over this matter and see if anything can be done to relieve the two members of the United States legation, so outrageously seized by Lopez. It is one of the cases in which to do nothing is to do wrong; and it appears to me that the mere fact of sending up a force to look after our people would at least avert much reproach that will otherwise fall upon us.

"Your friend,

"J. WATSON WEBB."

On my arrival on board you promptly indicated your unwillingness to act in the affair, and put to me the question, "What would you have me do?" I certainly did not consider that you thereby intended to ask my advice in the premises, because you took prompt measures to intimate that my advice was not desirable. But I understood then, as I do now, that, I having invited a friendly consultation on the subject, you were really desirous of knowing what it was I would have you do. To that question I replied at length in my letter of the 6th, and in that reply as I did not only stated my wishes as the envoy extraordinary and minister plenipotentiary of the United States accredited to Brazil, but, as it was my imperative duty to do, I gave you my reasons for desiring prompt and energetic action on your part in vindication of the honor of our country, as well as to afford protection to our much-abused citizens.

To what you allude as "official duties" I am quite unable to determine. Most assuredly I have not attempted to interfere with the administration of the affairs of your squadron, and I do not pretend even to have any knowledge of its internal condition. I have contented myself with the discharge of my duty in pointing out to you what in my judgment the honor and dignity of our country demand, and wherein our people require that protection which it is made the duty of our navy to afford; and to secure which is the sole object of your presence here, at the cost of many millions annually to the public treasury. In doing this I have not gone beyond the strict line of my duty, as better information in regard to what a minister's duty is, in an emergency like the present, cannot fail to convince you. But I might have gone still further than I did, and not only have pointed out your duty and advised you what to do, but finding you *tardy* in recognizing your duty in the premises, and ignoring the testimony of United States officials and adopting the charges and rumors of the Brazilian press and of Americans in Brazilian employ, I might with great propriety have formally remonstrated against your supineness and your rejection of official testimony, while you indorsed the slanders put forth against Mr. Washburn by those whose interest it is to traduce him.

When I addressed you my letter of the 6th, I regretted the necessity of so doing, and dreaded an official collision between friends. Your letter of yesterday has completely eradicated all those regrets. Its deliberate ignoring of a minister's having any opinion whatever in regard to matters relative to which he should be far better posted than under any circumstances you can be, and your arrogantly assuming to yourself, and consequently to the junior lieutenant in the navy, an absolute superiority over the envoys extraordinary of our country, be they who they may, brings at once to an amicable issue a question which it is the interest of our country should be settled by legislation, and not be left longer to the whims and caprices of officers of the navy, to the very serious injury and possible dishonor and discredit of our country. According to your theory, it is positive offense against your dignity, meriting rebuke such as is conveyed to me in your note of yesterday, for the envoy extraordinary and minister plenipotentiary from the United States to Brazil to entertain any opinion whatever upon a great outrage such as has been perpetrated by Paraguay against the honor and dignity of the United States; and if he should happen to entertain such an opinion and, in the discharge of what he considers a duty, should venture to express it, no matter how courteously, and point out what in his judgment should be done, he is guilty of a crime for which any ensign in the navy who happens to be in command of a gunboat may rebuke and insult him!

Permit me to illustrate my meaning. For more than three years past we have had on this coast a South Atlantic squadron, consisting of from six to eight steamers in

number, and sustained certainly at a cost of not less than \$5,000,000; and yet, during that period the only national services required of it have been the firing of a salute to the Brazilian flag in Bahia as an *amende honorable*, promised by me, the United States envoy extraordinary, in consequence of our having violated Brazilian neutrality in cutting out and capturing in Brazilian waters the pirate Florida. That salute should have been fired by the flag-ship, because, when a great nation resolves to make an *amende honorable*, self-respect demands that such *amende* shall be made in a magnanimous and manly manner. But your predecessor, having denounced any such concession to the wounded honor of Brazil, and actuated by anything but a commendable feeling towards the civil service of our country, and incapable of appreciating the chivalry of the act, sent one of the smallest gunboats in our navy to perform this duty, while he in the flag-ship remained in this harbor; and when the duty had been discharged in a manner so disreputable to us and so offensive to Brazil, he immediately sailed for Bahia to demonstrate, as it were, the contemptuous manner in which the matter had been disposed of. One high in authority here very justly remarked: "It was an act of grace performed most ungraciously;" and it became my duty to explain that no *slight* was intended by our government, and that it was our misfortune to have had in command a naval officer who could not understand, much less appreciate, the delicate duty with the performance of which he was intrusted, and who did not perceive that it was his own country and not Brazil that was slighted by his proceeding.

The salute referred to was fired by the *Nipsic*, commanded at that time by one of the junior lieutenant commanders in service.

The next national service rendered by the squadron was by the gunboat *Shamokin*, which was permitted to take Mr. Washburn, our minister to Paraguay, through the enemy's lines, because I gave notice to this government that if they refused such permission I should demand my passport.

And the third occasion upon which our squadron has rendered a national service was when you sent the *Wasp* to Asuncion for Mr. Washburn, and after a detention of seven weeks at the allied headquarters, permission to pass was peremptorily refused by the Marquis de Caxias. You, at my request, reported the facts to me, and I, contrary to your judgment, insisted upon our *right* to send her to Asuncion, and demanded that all hinderance to her passing up should cease. Twice, in formal notes from the Foreign Office, was the demand rejected, and the conduct of the Marquis de Caxias approved. I then again, in opposition to the advice of cautious friends, assumed the responsibility of informing this government that on a certain day either my passports or an order for the *Wasp's* going up to Asuncion must be sent me.

Thereupon all opposition to the *Wasp's* passing the blockading lines of the allies was withdrawn. I communicated the facts to you, and requested that the same vessel, commanded by the same intelligent gentleman, might be sent up to Paraguay. You promptly complied with my request, and, thank God, she not only arrived safely at her destination, but most providentially just in time to save the lives of our minister and family.

Now you know that the *Nipsic* could have rendered all the national services performed for our squadron by the *Shamokin* and *Wasp*; and at the same time have made an annual visit to the coast of Africa. Let us suppose, then, that the *Nipsic*, commanded by a lieutenant commander, had been the only United States vessel of war on the station, and that upon receiving Mr. Washburn's report of the gross outrage perpetrated in Paraguay against the honor of our country and the rights and liberties of our people, I had addressed him the identical letter I addressed to you; are you prepared to say that such lieutenant in command would have been justified in sending me in response such an exceedingly offensive note as that to which I am replying? You will not pretend that any immunity in the premises attaches to you which would not equally apply to him. The rights and immunities, whatever they may be, attach to the position, to the officer in command, and have no relation to his rank.

I now pass to the second paragraph of your note, in which you say:

"Since your opinion is formed without a knowledge of the circumstances of the case, I may not, possibly, attach so much value to it as you seem to expect."

This is a most extraordinary, gratuitous, and, I must add, a most reckless assertion. And upon what is it based? If upon testimony of a higher character than that of our duly accredited minister, received by you since our interview, then, most assuredly it was your duty to have apprised me of such testimony being in your possession. But such a supposition is simply impossible; because, there can be no reliable testimony—nay, there cannot, in the nature of things, be any testimony whatever in the case which can for one moment weigh against Mr. Washburn's history of what has occurred in Paraguay, as reported to me and as has been set forth by him in his official letter to the British minister accredited to the Argentine Republic. Besides, you distinctly informed me on Monday, that although you had received Commander Kirkland's official report of his having performed the duties assigned him, he had made no report upon the events which had transpired in Paraguay. Of course not. Commander Kirk-

land is too wise to pretend to make a report upon events of which he necessarily could know nothing except what he learned from Mr. Washburn.

It follows, then, that your unwarranted assumption that my "opinion was formed without a knowledge of all the circumstances of the case," has no other foundation whatever than the abuse heaped upon Mr. Washburn in the allied press, because he has told, imprudently perhaps, disagreeable truths about the Marquis de Caxias, and upon the slanderous stories concocted by the allies, and retailed and circulated by Americans in the pay of Brazil, who consider it a condition of their employment that they shall be more Brazilian than Brazilians themselves. And upon such data you venture to set aside the elaborate and carefully prepared testimony of the American minister, who has just escaped from Paraguay with his life; and as an apology for so doing affect to discover in his own report of events the evidence of a man writing under such excitement (the result of bodily fear) as discredits his testimony. This is, indeed, an extraordinary state of things; and whatever may be "your official duties," and however disagreeable it may be to receive "unsolicited" opinions in regard to them, I venture the assertion, that thus to repudiate the direct testimony of a duly accredited United States minister upon the unfounded slanders of his enemies cannot and does not constitute any part of such "duties." And I assert, moreover, that your repudiation of Mr. Washburn's testimony, officially indorsed by me, has no more warrant than your uncalled for assumption and unqualified declaration that my "opinion is formed without a knowledge of all the circumstances of the case."

I will only add, in conclusion, that the question of the relative duties and respective rights of United States ministers and naval officers in command, which for some purpose that I cannot fathom you have thought proper to raise, should, and I trust will, be speedily settled by Congress. Whether in your favor or mine, does not matter. We are simply the instruments whose differences in a far-off land, in regard to what action is demanded by our naval forces on this station in vindication of the nation's honor, the rights of its officials, and the lives of our citizens, must and will call forth congressional legislation too long delayed. To secure such a result I shall cause this correspondence to be called for at the next session of Congress; and to convince you that, in the performance of my whole duty in this emergency, I do not intend to permit an official difference of opinion to degenerate into a personal controversy, I inclose herewith a copy of my dispatch to the Department of State written yesterday, when you were penning your extraordinary note to me, and which went forward by the steamer to Southampton this morning. Its spirit will be found somewhat different from that which guided your pen, and invited a personal controversy. To that spirit I shall adhere; and now feel it my duty to reiterate my requisition upon you, promptly and properly, to employ the large naval force under your command in the vindication of our national honor, the protection of the diplomatic rights of our country, and to attempt at least to save the lives of our outraged officials.

You may not know—and probably, if you did, would ignore it if reported to you by any one in the civil service of our country, but it is nevertheless my duty to inform you—that among the diplomatic representatives of foreign governments at this court, so far as I can learn, there is no difference of opinion in regard to what is expected from our minister and naval force on this station. They do not know that you and I are at variance on the question of duty; and, judging me by the past, they assume most naturally that we will not be unmindful of what is due to our country, and in her vindication, to the civilized world. As evidence of this sentiment, I copy from a note of his excellency George Buckley Matthew, the envoy extraordinary and minister plenipotentiary of Great Britain at this court, his opinion upon this emergency, and which undoubtedly is the opinion of all his colleagues. You will perceive by its date that it was written on Tuesday, although it only reached me last evening:

"OCTOBER 6.

"MY DEAR GENERAL: 'Tis not pleasant to add to bad news, but a line to the eleventh hour tells me that your unfortunate countryman, *Bliss*, had been cruelly *tortured*, and that his companion was said to have been *shot*.

"If U. S. (Uncle Sam) stands that he can't hold up his head again.

"Yours, always."

I am in the receipt, too, of another letter from Mr. Washburn, dated the 29th September, (doubtful authority, the Brazilians, native and adopted, will tell you,) by which it appears that, in ignorance of your estimate of his character and the character of his testimony, he has addressed you a letter on the subject of his affairs. He says, among other things:

"Come what may, I fear that I am embargoed here for several weeks. The reaction that has come upon Mrs. Washburn renders it out of the question that she should venture to sea at present. While the danger lasted, and we did not know but I should be arrested, tortured to death or shot, and she sent on foot to the Cordilleras, she held up bravely. But the danger is past, and she has completely broken down. Visions of im-

prisonment, fetters and stripes for your humble servant, disturb and haunt her, and her doctor tells me to-day she must keep entirely quiet, and not go out for weeks. This excitement and prolonged strain on the nerves has brought on * * * * * ; so that there is no remedy but to wait here till she is sufficiently restored to start for home. What she most needs is quiet, together with sleep, undisturbed by horrid visions of Lopez and torture."

A horrible picture this; but horrible as it is, be assured, no matter what others will tell you to the contrary, and no matter how great your unfounded prejudices against Mr. Washburn, it is strictly true. Mr. Washburn is incapable of falsehood. His report of events in Paraguay is as worthy of credit as if signed by you or by me, and we may judge from Mrs. Washburn's present state what she and her husband have passed through.

May I not indulge the hope that this picture of the present consequences of past events may induce you to accept the truth as officially presented to you instead of your being biased in your judgment, and permitting your official action to be controlled by the representations of interested individuals? General Quitman, a northern man and classmate of mine, brought me a challenge from Brooks after his brutal assault upon Sumner, and my account of that infamous affair; and in justification of his bringing the challenge he informed me that no northern man could live quietly in the south unless he proclaimed himself more ultra upon the question of slavery than the slave-holders themselves. May not this be the condition of our countrymen in the employ of Brazil? Be this as it may, the only purpose for which the United States squadron is stationed on this coast, at enormous cost to our treasury, is to give protection to American commerce and American citizens, and to defend and vindicate the national honor, no matter by whom assailed. This cannot be accomplished by its lying idly in the harbor of Rio. The squadron you command is not here either for your pleasure or your convenience; and patriotism requires that it should be in the waters of the La Plata. And therefore it becomes my imperative duty, earnestly but respectfully, to urge upon you an immediate departure for the south.

SATURDAY, October 10.

While writing, I have had placed in my hands the following from the British minister, written yesterday. I have not seen Governor Matthew for a week, but I know he speaks the sentiments of the entire diplomatic corps as well as the wishes of every disinterested and patriotic American in this region:

"OCTOBER 9.

"MY DEAR GENERAL: Is your fleet going down to the river and up? I hope so. I declare to you I think we should have a general raid upon that wretch, who, with such a foe as Caxias, will go on for months.

"Yours, always,

"G. BUCKLEY MATTHEW."

Does it not occur to you, admiral, that it is alike strange and unaccountable that you alone, of all intelligent men in Brazil, and without the sympathy of a solitary disinterested countryman, should look unconcernedly upon the outrage perpetrated against our national honor, and should persistently refuse to employ our squadron for the purposes for which alone it was intrusted to your care? Does it not become you to scan close the influences which guide and mislead you, and, irrespective of self, to try and discover what the honor of our country requires at your hands?

Should this correspondence be continued, I request that you will send your official notes to me in the same manner that you have heretofore forwarded your private correspondence, that is, by a boat from the *Guerriere* direct to the legation. Or if that should be inconvenient, please send your letters to our consulate, which is in close proximity to the fleet landing. It is not seemly that an official correspondence between the United States minister and the naval officer in command of a station, no matter how exalted or humble his rank, should be left at a corner grocery, to be forwarded when the proprietor of such grocery finds it convenient to send lard and groceries to the minister's kitchen. One proceeding of that nature is quite sufficient to indicate your contempt for the subject discussed, even if not intended to be personally offensive to your minister.

This note, like my previous one, will be delivered to you in person on board the *Guerriere*, by my secretary.

Very respectfully, your obedient servant,

J. WATSON WEBB.

Rear-Admiral CHARLES H. DAVIS,
Commanding South Atlantic Squadron.

Rear-Admiral Davis to Mr. Webb.

UNITED STATES FLAG-SHIP GUERRIERE,
Rio de Janeiro, October 13, 1868.

SIR: I received your letter dated the 9th instant on the evening of Saturday, the 10th instant.

Its style and language, and the character of its imputations, forbid the continuance, on my part, of this correspondence.

Very respectfully, your obedient servant,

C. H. DAVIS,

Rear-Admiral, Commanding South Atlantic Squadron.

His Excellency J. WATSON WEBB,

Envoy Extraordinary and Minister Plenipotentiary of the United States, Boa Viagem.

Mr. Webb to Rear-Admiral Davis.

LEGATION OF THE UNITED STATES,
Boa Viagem, October 14, 1868

SIR: I am in the receipt of your letter, in which you say:

"SIR: I received your letter dated the 9th instant on the evening of Saturday, the 10th instant.

"Its style and language, and the character of its imputations, forbid the continuance, on my part, of this correspondence."

I immediately read with great care the notes which have passed between us, with an avowed determination that if I discovered in aught I have written any imputation whatever upon your character or conduct, promptly to withdraw and apologize for it. The result of such careful examination of our correspondence is a conviction that the only imputations contained in it are to be found in your unwarranted and uncalled-for note of the 6th instant. A statement of facts, however disagreeable, cannot be considered "imputations."

I am sorry my "style" does not please you. Looking only to the discharge of a public duty, I did not consider it incumbent upon me to aim at any peculiarity of "style" in order to render grave official truths acceptable to a fastidious taste, and I employed the simple language of earnest conviction as eminently suited to the occasion.

Very respectfully, your obedient servant,

J. WATSON WEBB.

Rear-Admiral CHARLES H. DAVIS,

Commanding South Atlantic Squadron.

Mr. Seward to Mr. Webb.

No. 238.]

DEPARTMENT OF STATE,
Washington, November 17, 1868.

SIR: Your dispatch of the 8th ultimo, without number, has been received. The recent events in Paraguay to which it refers may be regarded as painfully important. The letter* of this department to the Secretary of the Navy, a copy of which is inclosed, has been approved by the President, and may be accepted as our present impression in regard to affairs in that quarter. Any further measures which may be considered or adopted will depend upon future developments.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES WATSON WEBB, Esq., &c., &c., &c.

* For this inclosure see instructions to Mr. Washburn, No. 78, November 17, 1868.

CHILI.

Mr. Kilpatrick to Mr. Seward.

No. 86.]

LEGATION OF THE UNITED STATES,
Santiago de Chili, October 31, 1867.

SIR : I have the honor to report that nothing of political importance has transpired at this capital since the date of my dispatch No. 82.

It is universally believed in Chili that Spain has no intention of resuming hostilities in the Pacific, and, with the exception of the work on the fortifications of Valparaiso, all warlike preparations have been suspended.

Public attention is wholly occupied with the proceedings of the national Congress respecting domestic affairs, and with the progress of the revolution in Peru.

I transmit herewith a copy of the *Ferrocarril*, newspaper of Santiago, containing the reports of an interesting discussion in Congress, relative to the negotiations by Chili for the purchase of vessels of war in the United States.

I have the honor to remain, very respectfully, your obedient servant,
J. KILPATRICK.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Translation.]

Reply of Mr. Errazuriz, Minister of War, to Mr. Alemparte, Deputy from Chillan.

CHAMBER OF DEPUTIES,
Chili, October 24, 1867.

In this war with Spain, the cabinet is accused of double dealing : I will answer for it. They say we have deceived the country and our allies, by pretending zeal and activity in the purchase of vessels and munitions of war, while we refused to buy powerful vessels that were offered to us, ordering our agents privately not to purchase, but rescind his contracts, to the loss of vast sums of money to the country.

This is confirmed, they say, by the rescission of the contracts for the purchase of the *Dunderberg* and *Idaho* from the United States, which rescissions were ordered by our government secretly. To confirm and strengthen these accusations, there is published an official note from the Peruvian minister to his government, in which the Chilean cabinet is grossly calumniated. An explanation satisfied both governments, and the sole blame was attached to the Peruvian diplomat. (Called to order.)

I will not detail the efforts made by the government to purchase ships when the war began ; this is well known. You all remember that Mr. Lastarria declared positively, in a speech here, not long ago, that the government had made every effort to purchase vessels for our defense. We did get two vessels, now in our ports, and if they were not as strong as we wanted, they were the best we could get for our money. And now the government is blamed for buying those vessels ! If we had purchased the famous *Dunderberg*, these cavaliers would have blamed us for it, as they do now. What could we have done with the enormous vessel, of complicated machinery, estimated at three millions of dollars ? Immense sums would have been required to keep it in order, and then we would have had to build a special dock to keep it in repair.

Now I will let official documents speak for me. The eloquent language of facts will be sufficient to show what interest the government took in preparing for the crisis, and how anxious its agents were to purchase the kind of vessels required.

On the 1st of May, 1866, the minister of marine addressed this note to Mr. Carvallo, our minister in London :

“ SIR : The government wishes to acquire the means of putting an end to this war

with Spain as soon as possible. We have positive information that there are two light vessels in good condition for sale in England, the N—, and another of equal or superior power. The government charges you to buy these two vessels, as well as the iron-clad Denmark, and send them to the Pacific immediately.

"You know, as the war increases, the difficulties of obtaining means to carry it on will increase, and we must, if possible, have forces stronger than any Spain can bring against us.

"Convinced of this, the government desires you to secure these elements, as soon as possible; for without them, we cannot avenge the wrongs that Spain has already inflicted upon the republic.

"The government confides in your patriotism, and places the destiny of the country in your hands. You are restricted to no limits in the execution of this charge.

"Though it is scarcely necessary to suggest to you the best way to effect this, yet it may be well to recommend you to avoid all officers of the navy, and others known to the spies of our enemies. You will know how to get these vessels out; and be sure not to let any of our naval officers return in them, even as passengers.

"Send the guns for our sloops in the vessels mentioned, or in any vessels that will be sure to land them in any of the ports of the republic. Be sure the guns are concealed in a dry place, where rust will not attack them.

"I repeat that the government must have the three vessels mentioned, or our honor will go unavenged. Our duty demands this, and the world expects it of us.

"Yours, &c.,

"JOSÉ MANUEL PINTO."

On the 9th of May, the order was repeated in these terms:

"I gave you positive orders by the last steamer, in the name of the government, to purchase the iron-clad Denmark, and the N—, and another of the same size, for sale in England.

"I now repeat the order to buy the three vessels, as they are needed for the prompt termination of this war. It is scarcely necessary to tell you that the country depends upon you for its safety; act with energy and judgment and you will gratify the country and the government. We also need muskets: buy those you mentioned and send them to any port in Chili.

"Yours, &c.,

"JOSÉ MANUEL PINTO."

Here is another letter of the same date, to the same address:

"A screw steamer in Glasgow, called the N—, built for a privateer, has been offered to the government. Instruct Commander Salcedo to examine it, before Mr. Edwards's agents make an offer for it.

"If found suitable, tell the agents to buy it and send it to one of the southern ports in the republic.

"Your duty, then, in this case, is to have the vessel examined by a proper person, and then inform Edwards of the decision rendered by the inspectors.

"If you have not already shipped the guns for the sloops, you may forward them in the vessel if you think it safe to do so.

"Yours, &c.,

"JOSÉ MANUEL PINTO."

Thanks to our intelligent agents, the vessels we had contracted for began to arrive in Chili about that time, and the government soon saw that they were not large enough to contend with the Spanish squadron, though they might prove very useful as transports and dispatch-boats, and might render some service in harassing the enemy. Needing no more vessels of that kind, the government instructed its agents not to get any more so small, but to purchase some strong and powerful ones.

On the 2d of June, the government, through the minister of foreign relations, wrote thus to Mr. Vicuña Mackenna:

"SANTIAGO, June 2, 1866.

"I must inform you that we do not want any more iron steamers like the *Isabella*, and we regret the contract you have already made. I send you these instructions, in case you have not left the country, as I desired you to do.

"Yours, &c.,

"ALVARO COVARRUBIAS.

"To Mr. BENJAMIN V. MACKENNA,

*"Confidential Agent of the Government of Chili
in the United States of North America."*

On the same day Mr. Astaburuaga was addressed as follows:

"SANTIAGO, June 2, 1866.

"What our navy needs is light vessels, strongly built, with good guns, as I have

often said to you. The Isabella, a side-wheel iron steamer, will not suit us. You will therefore refrain from purchasing any more iron steamers, not even propellers, that are not suitable for war purposes.

"ALVARO COVARRUBIAS.

"Don FRANCISCO S. ASTABURUAGA,
"Chilian Chargé d'Affaires in the United States of North America."

This dispatch was sent the same day to Mr. Rodriguez:

"SANTIAGO, June 2, 1866.

"The disappointment in not getting the iron-clad from Denmark is annoying. We hope you will use all your skill and energy in removing the difficulties in the way.

"I renew my former instructions to Mr. Carvallo about the steamers, N. and N., and hope you will use your best endeavors to effect their purchase. We need strong vessels, and must spare no sacrifice to obtain them.

"Yours, &c.,

"ALVARO COVARRUBIAS.

"To Mr. A. RODRIGUEZ,
"Secret Agent of the Chilian Government in Great Britain."

The next is a communication of the same date, addressed to Mr. Carvallo:

"SANTIAGO, June 2, 1866.

"Your dispatches 77 and 78, dated the 14th and 15th of April last, have been received. I regret that you have not yet purchased the Denmark iron-clad. The chief, if not the only difficulty, is the want of funds, as the £450,000 loan comes in too late. You applied to Baring Brothers to remedy this; it is a great pity it was not done sooner. We leave the selection of the officer who is to command the vessel to you. I repeat my instructions for the purchase of the steamers — and —, which you mentioned to the minister of marine. Hurry in this, I beg you. We hope the Henrietta will arrive safely. We have not yet heard of the arrival of the Peruvian iron-clads Huascar and Independencia.

"Yours, &c.,

"ALVARO COVARRUBIAS.

"To Mr. MANUEL CARVALLO,
"Minister Plenipotentiary of Chili in Great Britain."

On the 16th of June this letter was sent to the same minister:

"SANTIAGO, June 16, 1866.

"We are glad to hear, from your last, that you will succeed in purchasing the Denmark. The purchase money, £60,000, was furnished by the Barings, you say.

"Yours, &c.,

"ALVARO COVARRUBIAS.

"To MANUEL CARVALLO,
"Minister Plenipotentiary of Chili in Great Britain."

Here is a similar letter, of the same date, to Mr. Rodriguez:

"SANTIAGO, June 16, 1866.

"We are grieved that you have not yet secured the Denmark. Perhaps you may yet succeed, by adopting the plan proposed by the agent employed for that business. That is what Mr. Carvallo proposes.

"Yours, &c.,

"ALVARO COVARRUBIAS.

"To Mr. A. RODRIGUEZ,
"Secret Agent of the Government of Chili in Great Britain."

The minister of marine wrote thus to Mr. Astaburuaga:

"No. 1409.]

SANTIAGO, July 2, 1866.

"Although you have succeeded in purchasing the magnificent \$850,000 vessel, I wish you to try for others of the same class, either of iron or wood. You need not get any more small vessels, we have enough; but we need strong vessels, ships of the line or iron-clads. Choose the largest kind, and try to purchase them, *no matter at what cost*; I do not limit you to number or price. The republic must have a strong naval force to repel the enemy, and it must be got *regardless of expense*. Similar instructions are sent to our agents, and to Mr. —.

"Yours, &c.,

"JOSÉ MANUEL PINTO.

"To Mr. FRANCISCO SOLANO ASTABURUAGA,
"Chargé d'Affaires of Chili in the United States."

Here is a letter to Mr. Rodriguez from the same source, and of the same date:

"SANTIAGO, July 2, 1866.

"The government has determined to purchase only first-class vessels. You will therefore confine your attention to the acquisition of frigates and iron-clads. Small vessels will be of no use to us. I must also inform you that the artillery needed for our vessels and fortifications must be English, and of first-class, and of these dimensions: Fifteen of 150, fifteen of 100, and thirty of 70. I send the order for the purchase of this artillery to-day, to our minister in England, in case you are not there.

"The government implicitly trusts in you for the faithful execution of this order, for the fortunate conclusion of this war will depend much on our agents in Europe.

"JOSÉ MANUEL PINTO.

"Mr. A. RODRIGUEZ,

"The Confidential Agent of Chili in England."

The minister of foreign affairs wrote to Mr. Carvallo as follows:

"SANTIAGO, July 9, 1866.

"The government has bought four vessels in the United States, two of which ought to be here now, and the other two must have started by this time. As we have enough small vessels, you are instructed to negotiate only for the ———, if you have not contracted for the two you mentioned. The government regrets the failure of the Denmark purchase, but hopes you will succeed in getting strong vessels suitable for war purposes. We wish to be avenged for the bombardment of Valparaiso. Use all your efforts to procure proper vessels, and send them on directly. Send us the cannons you got for the Valparaiso forts, and all others you may get for the other forts and vessels. In addition to those ordered, we want ten Armstrong or Blakely guns for ship use, which you will send without delay. All the artillery you get must load by the muzzle.

"Yours, &c.,

"JOSÉ M. PINTO."

On the same day this letter was addressed to Mr. Rodriguez:

"SANTIAGO, July 9, 1866.

"The fact that only small vessels have been purchased up to this time compels the government to instruct you to get large ones. Give your entire attention to this business. I know you will have much trouble in securing such vessels, as they are scarce, but the government trusts in your ability in being able to obtain them. We want to put an end to this war, in which our honor is concerned. I must also inform you that the artillery must be of the best kind, and you will be sure to send it out as soon as you possibly can.

"Yours, &c.,

"JOSÉ MANUEL PINTO.

"Mr. A. RODRIGUEZ,

"Confidential Agent of Chili in England."

On the 20th June, the following note from Mr. Carvallo was received by the minister of marine:

"LEGATION OF CHILI IN GREAT BRITAIN,

"London, June 30, 1866.

"Mr. MINISTER: In reply to yours of the 16th May, I have the honor to say: An offer was made to us yesterday of a new Turkish iron frigate of four thousand tons, armed with fourteen cannons of 150 and one of 300, because the Sultan could not pay for it. The cost price, £370,000, with interest, is all that is asked for it. At last dates our balance with Barings was £182,196 17 06, out of which I have already drawn £16,000, and will soon have to draw £20,000 more, besides £11,000 yet due for the sloop O'Higgins, which will reduce the account to £141,000. I have instructed Marino Benavente to offer £300,000 for the sloop, if it is such as it is represented. Needing a sum to rig and furnish it, we depend upon the £77,000 of the last loan for the first payment, and the balance in Peruvian bonds, such as were offered for the Denmark.

"Yours, &c.,

"MANUEL CARVALLO.

"The MINISTER OF MARINE."

Mr. Seward to Mr. Kilpatrick.

No. 52.]

DEPARTMENT OF STATE,
Washington, December 7, 1867.

SIR: I have to acknowledge the receipt of your dispatches Nos. 84, 85, and 86, of the 31st of October last, with their inclosures. In the latter you report that it is universally believed in Chili that Spain has no intention of resuming hostilities in the Pacific. It is ardently hoped by this government that the anticipation may prove to be well founded.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JUDSON KILPATRICK, Esq., &c., &c., &c.

Mr. Seward to Mr. Kilpatrick.

No. 55.]

DEPARTMENT OF STATE,
Washington, January 15, 1868.

SIR: On the 11th day of June last I had the honor to make known to you, for the information of the government of Chili, that the modifications which that government proposed of the proposition of the United States, for mediation by them in the war opened between Spain and the allied republics of the Pacific, would be communicated to the government of the Queen of Spain for its consideration, and that whatever reply should be made by the Spanish government would be without delay announced to Chili and her allies. It happened, through a deficiency of attention in this department, that no such communication to the Spanish government, as I had promised, was immediately made, although the modifications suggested by the republics of the Pacific were informally mentioned to the minister from Spain here, and by him communicated to his government.

When the omission had been discovered I presented the matter to the Spanish government in due form. In consequence of the delay that thus occurred, it is only just now that I have received the formal reply of the Spanish government. This answer is, that Spain cannot concur in the modifications which the allied republics propose, and that those modifications are regarded as antagonistical to the project which was initiated by this government for the settlement of peace. The Spanish government, however, leaves it for the United States to determine when the good offices which they have been conducting between the belligerents shall cease. I am thus rendered able to submit for the consideration of the allied republics the question whether they desire to make any further communication to the United States in promoting a concurrence of views. Should those republics answer in the negative, the President, on receiving information to that effect, will announce to the several belligerents his conviction that the good offices of the United States, by way of mediation, may be regarded as no longer promising a favorable conclusion, and that those good offices may on both sides be regarded as coming to an end.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JUDSON KILPATRICK, Esq., &c., &c., &c.

Mr. Kilpatrick to Mr. Seward.

No. 99.]

LEGATION OF THE UNITED STATES,
Santiago de Chili, February 1, 1868.

SIR: I have the honor to report that the unhappy events in Peru which recently culminated in the overthrow of the constitutional government, have produced a profound impression in Chili, and threaten to involve the States of this coast in very embarrassing complications. You are aware of the remarkable decree of the Peruvian revolutionary chief, Canseco, dated in October last, in which all acts of the dictatorship of Colonel Prado are declared null and void. That decree has been reaffirmed by the revolutionists since their seizure of the government, and to all intents and purposes is now the law of Peru, as it was the corner-stone of the insurrection. Among the evils already suffered, and rapidly accumulating from such a complete repudiation of Peru's obligations to governments and individuals, are the violent disruption of the alliance with Chili, Bolivia, and Ecuador; and the disinclination approximating to a refusal of the new government to settle the pecuniary claims held by Chili against Peru, and whose payment was being urged previous to the overthrow of President Prado.

Chili's claims amount to several millions of dollars, of which her expenditures in maintaining the Peruvian squadron during the Spanish difficulties, and her interest in the loan recently contracted by Peru in the United States, form a considerable part. These items are in the category of the acts of the dictatorship repudiated by the new government. It is not apprehended that the other claims will be altogether repudiated, but there is little hope of their receiving favorable attention immediately, as the bitterness against Chili, which Castilla and his associate leaders of the revolution bore with them from their late exile in this country, has extended to all classes of the new party; and the friendly relations of Peru with Chili are regarded by the revolutionists with a chilling indifference that would require but little addition to precipitate the States recently in alliance into hostilities. So alive is Chili to the possibilities above referred to, that when the intelligence was received here of the success of the revolution, this government seriously considered the propriety of detaining the Peruvian iron-clad frigate *Independencia* and monitor *Huascar*, then in the bay of Valparaiso, as security for the payment of her just dues, and as a precautionary measure in view of the hostile attitude of the revolutionary government. Wiser counsels prevailed, however, and the vessels were permitted to depart for Callao.

From my experience and observation in these South American states I am of the opinion that a collision between Chili and Peru is not very imminent, although the aspect of the political horizon is ominous enough. Intestine disturbances are as common to most of these countries as are the periodical outbreaks on our western frontier; but while the Spanish Americans are ever plunging their own States into anarchy, they are slow to execute hostile threats against other governments. The total absence of sympathy between Chili and Peru at present, in connection with the claims above mentioned, may eventually bring on hostilities, but some time must elapse before such an unfortunate event can take place. In the mean time the new government of Peru may correct the mistake of the decree of repudiation, and afford an opportunity for harmonizing the discordant elements now widely separating the two countries.

I shall carefully observe the progress of the new relations about to be assumed, and shall keep you fully advised. If at any time it should

become evident that the good offices of the United States government might be quietly interposed between these States for the prevention of war, I shall devote myself with all the prudence that I am capable of to the accomplishment of so desirable an end.

Ex-President Prado, accompanied by Colonel La Torre, chief of the "Column of Honor," Colonel Ugarteche, father-in-law of the ex-President, and Captain Delboy, commander of the Peruvian war steamer *Meteoro*, arrived in Valparaiso in the United States steamer *Nyack*, commander Pendergrast, on the 20th ultimo. The *Nyack* touched at Caldera in her voyage from Callao, and the telegram received here on the 18th, announcing the approach of the deposed President, created much excitement, particularly in Valparaiso. The ex-President was received with acclamations of welcome by an immense concourse in Valparaiso, and has been the object of the most courteous attentions since his arrival. He proposes to engage in agricultural pursuits here; but this will probably be for a short time, as a revulsion is certain to take place in Peru within a year or eighteen months, and Colonel Prado will undoubtedly be placed at the head of the movement.

Should the present unfriendly feeling between Chili and the revolutionary government continue, Colonel Prado would, I am assured, receive material aid from this government as well as from the Chilean people at large, for regaining his position at the head of affairs in Peru. I have no doubt that within two years the ex-President will be re-established, and by his late experience enabled to avert, during his legitimate term of office, the calamities which his recent mild administration suffered to accumulate upon himself and the country. As an evidence of his innocence of corruption, a quality so rare in Peruvian officials, he arrives here quite poor, and is compelled to receive from Chili the pay of a general of her army, which rank was conferred upon him by this government soon after the battle of the 2d of May, 1866, at Callao.

The relations of Chili with Spain remain unchanged. The events in Peru have entirely overshadowed the Spanish-American question for the present, and it is difficult to foresee what new phase the subject may now assume.

Domestic affairs in Chili are perfectly quiet, and the country is prospering in the most encouraging manner.

The President of Chili being about to absent himself from Santiago for a month, by a visit to the Araucanian Territory in the south of the republic, and as all the ministers are preparing to spend the hot season, now just commencing, at the watering places and other fashionable resorts, I avail myself of the interim to visit the Andes. I propose spending about two weeks along the Cordillera, and on my return will endeavor to make to the department an interesting report of my observations.

I have the honor to remain, very respectfully, your obedient servant,
J. KILPATRICK.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Kilpatrick to Mr. Seward.

No. 102.]

LEGATION OF THE UNITED STATES,
Santiago de Chili, March 16, 1868.

SIR: I have the honor to report that since my dispatch No. 99, dated February 1st, relative to the relations between Chili and Peru, as affected

by the success of the revolution in the latter country, nothing of political importance has transpired here. The apprehensions of difficulties between this government and Peru, which existed at that time, have been materially dissipated by the manifestation of a disposition on the part of the revolutionary authorities of Peru to preserve friendly intercourse with Chili, and to maintain the alliance against Spain, but the unsettled state of affairs in Peru continues to be a subject of much solicitude.

The minister and consuls of Peru in Chili have tendered their resignations, which have been accepted, and Señor Yenteno, who visited Chili in the capacity of a commissioner on the part of the new authorities of Peru, to arrange the accounts of the allied squadron, having returned unsuccessfully to Lima, Peru at present has no official representative in this republic. The Chilean minister appointed near the government of Peru during the presidency of Colonel Prado reached his post after the success of the revolution, and has presented his credentials and been received by the present chiefs at Lima; but this government preserves a formal attitude, awaiting the re-establishment of legitimate authority, and will not enter into the discussion of any of the questions between the two countries until order is restored in Peru.

The hope is now entertained that the approaching election in the latter republic will speedily relieve the members of the alliance of the embarrassments which Peru has brought upon them, and that with the re-establishment of government and diplomatic relations Chili may peaceably adjust with her neighbors the important questions had under consideration with the government of Colonel Prado.

The domestic politics of Chili, and her relations with Spain, remain unchanged.

I have the honor to remain, very respectfully, your obedient servant,
J. KILPATRICK.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Kilpatrick to Mr. Seward.

No. 103.]

LEGATION OF THE UNITED STATES,
Santiago de Chili, March 20, 1868.

SIR: I have the honor to acknowledge the receipt of your dispatches Nos. 52, 53, and 54, dated respectively December 7 and 27, 1867, and January 9, 1868.

In my dispatch No. 99, dated February 1, I informed you that I was about to make a short trip to the Andes, and that on my return I would make a report of my observations. I left Santiago on the third of that month, and was absent a little over three weeks, in which time I crossed the Cordilleras and visited the towns of San Carlos, Mendoza, and San Rafael, in the Argentine Confederation.

With baggage and provisions packed on mules I reached the pass of San José in one day's march from Santiago, and on the night of the second day bivouacked far up in the Cordilleras on the verge of vegetation. From this point is one day's hard traveling up perfectly barren mountains to a small valley at the foot of the first principal ridge. Another day's journey along this valley, a great portion of which has been inundated by some terrific volcanic eruption, leaving great heaps of sulphuric rock, lava, and ashes, brought us to the *Cumbre* or zigzag path by which the higher chain is crossed. The ascent here was extremely difficult

the rarified atmosphere affecting man and beast very sensibly. There was considerable snow to cross, but the temperature was not so low as to necessitate the use of an overcoat. Crossing the heights, the path descends into a wide, desolate valley, many thousand feet above the sea. A day was occupied in crossing this waste, and another day in passing over the great Postillo pass, 14,300 feet high. This pass is one of the most difficult of the Andes. There is always more or less snow, the road consists of only a rocky path sufficiently wide for one to pass at a time, and a freezing wind blows with great violence. On reaching the summit the animals manifested much uneasiness. There is barely standing room for two or three persons on the ridge, from which a misstep would hurl mule and rider to destruction; and we found it necessary to lie down to avoid being swept off by the wind. The view was indescribably grand. The volcanoes of Aconcagua and Tupungati, respectively 23,000 and 26,000 feet high, rear their snow-white peaks above vast and seemingly boundless chains of black mountains utterly destitute of vegetation or animal life, with the exception of the condor, that solitary, on some lofty rock, watches the passing traveler, or slowly circles about the bristling pinnacles. A day was occupied in descending this ridge to the pampas, making in all a journey of seven days, although by forced marching it may be made in four.

Being unprovided with instruments I was unable to make any scientific observations; but this route having been visited by explorers, its phenomena is already known to science.

On reaching the pampas, which stretch in a sterile waste from the eastern base of the Andes many hundred miles to the fertile regions of Buenos Ayres, I stopped at one of the haciendas which, like small vases, dot the sandy plains, and spent a few days collecting specimens of birds and animals, of which there are many beautiful and rare varieties. After a day's visit to San Carlos, a small village on the highway to the southern frontier, I went to Mendoza, making a trip of ninety miles in a coach in ten hours. The ruins of the city, destroyed by the earthquake in 1862, when nine thousand lives were lost, still lie as they fell, with many families yet buried in the debris, and vines and weeds growing in wild confusion above them. Nothing has been done on the site of the destroyed city except to extricate the remains of a few persons from the ruins and reopen some of the principal streets leading to the country. On the border of the ruins a new town of about eight thousand inhabitants has already sprung up. The buildings are good, the streets wide, well paved, and adorned with shade trees, and the place promises to become an important city.

As I was traveling simply for relaxation, I declined the honors which the civil and military authorities offered, and at the expiration of two days left for San Rafael, the military outpost on the southern frontier between civilization and the hostile Indians. Here I remained a day, which was celebrated by the officers and citizens by a grand ostrich hunt, in which thirty ostriches and a number of curious animals were taken; and escorted by a troop of cavalry, furnished by the military commander, I set out across the pampas, fifty leagues to the Planchon pass in the south, en route for Chili. These plains are infested with hostile Indians, but none molested the party, and after several days' rough traveling over the Andes, and hunting guanacos, a species of deer, I reached Curico, the terminus of the southern railroad from Santiago.

The inhabitants on the other side of the Andes are brave, intelligent, and prosperous, and are deeply interested in the affairs of the United

States. On every hand I was warmly welcomed as the representative of a people whose history forms an example to all republics, and I am sure that there is no heartier admiration manifested for our government by any class than that evinced by the communities among which I visited in the heart of South America.

The customs of that section differ very little from those of Chili and Peru. Traffic in cattle and horses is the principal business, in which vast fortunes might be suddenly made were it not for the losses sustained from the predatory revolutionary parties and the levies of the government. Immense herds of cattle and sheep are annually driven over the Andes to Chili, and when the military road now in process of construction by Chili is completed, trade between the two countries will become very important.

The subject of constructing a railroad by way of the Planchon pass has long been under consideration, and surveys have been made demonstrating the practicability of the undertaking. Were this to be accomplished, and the vast plains on the other side to be redeemed by irrigation by a large canal, as is also contemplated, an area of many thousand square miles now uninhabitable would become a garden in fertility, and afford to the enterprising a field of wealth surpassing any region of the world. The Cordilleras abound in mineral riches, the plains are as fertile as the prairies of the west; the climate is genial and of a regular temperature, and health and prosperity are sure to attend all who engage in the development of these regions.

From Curico I came to Santiago by rail, through a beautiful country full of valuable haciendas. I cannot, in the limits of an ordinary dispatch, give an adequate idea of the countless objects of interest presented in a trip of this kind, a journey of over twelve hundred miles, one thousand of which were made in the saddle. It will remain for the intelligent traveler, whose leisure may enable him to do justice to the subject, to elaborate a description of the wonderful phenomena of the Andes and the beauty and undeveloped wealth of these regions. I regard my experience on the journey as belonging to the most valuable of my life, and I shall ever be zealous to aid any undertaking that has for its object the diffusion of knowledge of these countries, and the opening of their treasures to the world.

Although my visit to the Argentine Confederation was unauthorized and unofficial, yet, in view of the friendly relationship between that government and the United States, I would respectfully request that our minister at Buenos Ayres be requested to express our appreciation of the courtesy extended to a representative of the United States by Colonel Segovia, commanding first regiment cavalry of the line, at San Rafael, who furnished me with an escort for several days during my journey on the borders of the Indian country.

I have the honor to remain, very respectfully, your obedient servant,
J. KILPATRICK.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Kilpatrick to Mr. Seward.

No. 104.]

LEGATION OF THE UNITED STATES,
Santiago de Chili, March 26, 1868.

SIR: I have the honor to acknowledge the receipt of your dispatch No. 55, dated June 15, informing me of the reply of the Spanish govern-

ment to the modifications proposed by the allied republics of Chili, Peru, Bolivia, and Ecuador, to the bases of arrangement suggested by the President of the United States for the adjustment of the difficulties between these republics and Spain, and asking if the republic of Chili had anything further to communicate towards promoting a concurrence of views.

The substance of your dispatch was communicated to the government of Chili, which replies (in a communication, a copy and translation of which, marked A and B, I inclose) that it would be impossible for Chili to consider alone this question and to give a definite answer, but that the subject will be immediately laid before the members of the alliance, and as soon as their unanimous decision can be made, the result will be transmitted to the United States.

I have the honor to remain, very respectfully, your obedient servant,
J. KILPATRICK.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Señor Fontecilla to Mr. Kilpatrick.

[Translation.]

SANTIAGO, March 24, 1868.

SIR: I have had the honor to receive the note of the 18th instant which your excellency has been pleased to address me, informing me of the answer given to the government of the United States by that of Spain, in relation to the modifications proposed by the allied republics to the bases of the arrangement presented by the government of your excellency.

In this connection your excellency inquires if my government desires to communicate anything more to that of the United States upon the subject, to the end of promoting a concurrence of views, and announce that in case of a negative the government of your excellency will consider as terminated the good offices which it has been employing to attain peace by way of mediation.

In acknowledging the receipt of the note referred to, I should advise you that Chili, being bound to the other republics by means of a compact of alliance, it would be impossible for my government to deliberate by itself alone upon a matter of so much gravity, and to give to your excellency a definite answer.

For the present, it will doubtless comply with the duty incumbent upon it, to transmit, as in brief it proceeds to do, your excellency's note to the consideration of the allies, and to promote among all the confederated republics a concurrence upon the point which your excellency submits to its consideration; and as soon as the common views of all of them may be known, I shall make it my duty to satisfy the inquiry which your excellency addresses to me.

In the meantime it gratifies me to manifest to your excellency the gratitude of my government for the constant efforts of the United States to attain by means of its friendly offices the re-establishment of peace.

I avail myself of this opportunity to reiterate to your excellency the assurances of the distinguished consideration with which I have the honor to be your excellency's attentive and faithful servant,

F. VARGA FONTECILLA.

THE ENVOY EXTRAORDINARY AND MINISTER Plenipotentiary
of the United States of North America.

Mr. Seward to Mr. Kilpatrick.

DEPARTMENT OF STATE,
Washington, March 27, 1868.

SIR: The technical continuance of the state of war between Spain on the one part, and Peru, Chili, Ecuador, and Bolivia on the other, occasions inconveniences to all neutral states, and especially to this country,

which it is desirable should be terminated by a formal armistice. You will consequently suggest in the proper quarter that a measure of this character should be adopted by the government to which you are accredited. If your suggestion should be favorably received, you may follow it by another to the effect that all the parties to the war referred to should appoint plenipotentiaries to meet here for the purpose of bringing about a definitive peace. If the advice of this government should be asked, there shall be no want of proper and impartial effort on its part to see that the claims of all shall receive due consideration.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JUDSON KILPATRICK, Esq., &c., &c., &c.

Same to United States minister to Spain.

Same to United States minister to Peru.

Mr. Seward to Mr. Kilpatrick.

[Extract.]

No. 60.]

DEPARTMENT OF STATE,

Washington, April 30, 1868.

SIR: I have to acknowledge the receipt of your dispatch No. 104, inclosing a copy of the note of the minister of foreign affairs of Chili, dated on the 24th March last, with reference to mediation in the Spanish-American question. His reply will be communicated to the Spanish government.

* * * * *

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JUDSON KILPATRICK, Esq., &c., &c., &c.

Mr. Kilpatrick to Mr. Seward.

No. 120.]

LEGATION OF THE UNITED STATES,

Santiago de Chili, June 30, 1868.

SIR: I have the honor to report that I have had two interviews with the minister of foreign relations, Mr. Fontecilla, in relation to the proposition for peace, which I had the honor to receive from you some time since. In my first interview, which took place a few days after the reception of your communication, I learned that Chili was most anxious to make peace by means of an armistice, but that the great obstacle in the way was a mutual agreement to that effect on the part of the allies, and although the insults and injuries inflicted by Spain were not so fresh as in months past, still there was an evident desire to secure peace on such conditions as would allow the allies to resume hostilities whenever it would be profitable for them to do so.

The interview was not so satisfactory as I could have wished, yet it opened the way for your proposition, which I forwarded on the 9th instant. The minister of state gives in his reply the substance of his ideas expressed to me in our conversation. General Hovey, our minister

near the government of Peru, being at my legation, I thought it well to have an interview with the minister and General Hovey on the subject. I accordingly invited him to the legation. He came on the 21st instant, and freely entered into a discussion of the subject. He stated that Chili fully recognized the importance of peace, and earnestly desired that some means might be adopted to secure that end; but that there were many influences in Chili controlling the question that only those most intimately connected with the government could fully understand, and that these influences would prevent for the present a definite and absolute peace. I requested him to please to give us some idea what those influences were, and to explain what kind of peace Chili desired and would accept. He replied that he had no objection to do so; that he considered both of us and our government to be the true friends of Chili and her allies. The influences he stated were the natural results of Spain's cruel and unprovoked insults; that his people had not forgotten them, and looked forward to the time when they might secure a just satisfaction; that his government now encountered a strong opposition which would not fail to hold it accountable if it should celebrate an absolute peace that would forever close the door against Chili's just revenge; that whatever course his government might take, strong opposition would be encountered; yet they were willing to accept an indefinite armistice which would effectually settle the question, give security to trade, and satisfaction to the neutrals, and yet allow either of the belligerents to resume hostilities after timely notice. I asked him if he thought that either party would again resume the offensive? He answered, no, that Spain could not, and that Chili would not, and yet they did not wish to enter into an agreement to that effect. An armistice, he said, would close the war, and at the same time take from the opponents of his government the same power to injure that a definite peace would give them. This was the substance of our conversation, and most fully explains the reply of Mr. Fontecilla to my note of the 9th of June.

I have the honor to be, very respectfully, your obedient servant,
J. KILPATRICK.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Señor Fontecilla to Mr. Kilpatrick.

[Translation.]

SANTIAGO, June 16, 1868.

SIR: I have had the honor to receive the note of your excellency of the 9th instant in which you are pleased to manifest to me respecting the conversation I had the honor to have with you that you understood that Chili would consent to terminate the war with Spain by means of an armistice without conditions or explanations save that it should be indefinite in its duration. With this understanding you are pleased to recommend in the name of your government that all the powers that are parties in the war should meet in Washington with the object to arrive at a definite peace, in which case the government of your excellency would employ its efforts to see that the claims of all should receive due consideration. In reply to your esteemed note I desire to express to you by means of this the thought that I had the honor to give you verbally. For some time back the opinion of these countries has been vividly manifest: that the indecisive and precarious situation of the war should be terminated in a manner to give to the work of peace guarantees more solid than the simple suspension of hostilities offers. To satisfy this legitimate desire my government will not be backward in accepting a truce definite in its character, which, while preserving to the belligerents their respective pretensions, offers, nevertheless, to the neutrals all the guarantees and securities which they claim. My government thinks that, for the present, this is the most obvious way

to arrive at a mutual agreement, and to correspond to those noble efforts made to secure peace by several governments friendly to us, among which principally figures that of your excellency. With this view the governments allied are actually engaged to procure a mutual agreement, taking into consideration the proposition of truce made by the governments of France and England. The arbitration suggested by your excellency for the belligerents to send plenipotentiaries to Washington to arrange their reciprocal pretensions, and celebrate a definite peace, would not do more than retard the accomplishment of the proposition before indicated. It is to be presumed that the recent events, and the irreconcilable character of the pretensions of the belligerents, make impossible, at present, a mutual agreement to arrive at a definite peace. In any case my government desires, as in all honor it should, to thank the government of your excellency for its constant efforts in favor of peace, and to assure it that in our deliberations with our allies the new offer which your government has been pleased to present through the respectable organ of your excellency shall be presented with all attention.

I embrace this opportunity, &c., your attentive, &c.,

F. VARGAS FONTECILLA.

The ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY
of the United States.

Mr. Seward to Mr. Kilpatrick.

No. 65.]

DEPARTMENT OF STATE,
Washington, August 27, 1868.

SIR: I have received your dispatch of the 30th of June, No. 120, which is accompanied by a copy of a note which was addressed to you on the 16th of that month by Mr. Fontecilla, concerning the proposal of the United States to mediate between the republics of the Pacific and Spain. I have taken care to communicate the substance of Mr. Fontecilla's note to the Spanish government for its consideration. Should any reply be received from that government I shall hasten to transmit it for the information of the government of Chili.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JUDSON KILPATRICK, Esq., &c., &c., &c.

Mr. Clark to Mr. Seward.

No. 5.]

LEGATION OF THE UNITED STATES,
Valparaiso, November 3, 1868.

SIR: I have the honor to communicate to you that his excellency Antonio Flores, envoy extraordinary and minister plenipotentiary of Ecuador to Peru and Chili, called at this legation this afternoon to confer with me on the subject of the differences existing between the allied republics of South America and Spain. He has been zealously and successfully engaged in his mission, and has obtained the assent of all the republics unconditionally to the armistice except Chili, and he assures me that Chili is ready to accept the mediation of the United States provided that government celebrates the armistice between the belligerents, and much better if it wishes to give its guarantee to the armistice or truce. This England and France have already proposed, but Chili would much prefer the mediation of the United States.

It should be a condition of the armistice or truce that if there is no settlement of the question by the plenipotentiaries who should meet in Washington, then the truce shall continue until one of the parties give notice to the other, one or two years before the expiration of it. On these

terms the mediation will be immediately accepted by Chili, as it has already by the other republics—Ecuador, through Mr. Flores, being the first to do so.

Mr. Keyes, the Chilian minister of foreign relations, who has made this proposition to Mr. Flores, writes to-day in the above terms to the Chilian representative in Lima, Peru.

Mr. Flores has obtained full success in one of the principal points of his mission—the reopening of the Pacific to the Spanish merchant vessels. It has been agreed in Santiago, by the Chilian government, that Chili shall not commit hostilities against the merchant vessels of Spain provided with Ecuadorian passports. The said vessels shall not come to Chilian ports except in distress (*arribada forgosa*.) No obstacle shall be put to the trade between Ecuador and Spain.

Hoping an early reply, I am, sir, your obedient servant,

A. W. CLARK.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

CHILIAN LEGATION.

Mr. Seward to Señor Fontecilla.

DEPARTMENT OF STATE,
Washington, March 28, 1868.

SIR: I have the honor to communicate for your information a copy of a circular* of yesterday, addressed by the department to ministers of the United States accredited to the governments of the several belligerents, suggesting that preliminary to a definitive peace a formal armistice be agreed to by Spain on the one side, and Peru, Chili, Ecuador, and Bolivia on the other.

I avail myself of this occasion to offer to you, sir, a renewed assurance of my high consideration.

WILLIAM H. SEWARD.

Señor Don MARIANO SANCHEZ FONTECILLA, &c., &c., &c.

Señor Fontecilla to Mr. Seward.

[Translation.]

LEGATION OF CHILI,
Washington, March 30, 1868.

SIR: I have had the honor to receive the note of the honorable Secretary of State, dated the 28th instant, and the adjoined circular of which a copy was sent me.

I have hastened to transmit it to my government, which, duly thanking the good offices of the honorable Secretary of State, will, I doubt not, take it into consideration without loss of time.

I improve this opportunity to express to the honorable Secretary of State the sentiments of my most distinguished consideration.

M. SANCHEZ FONTECILLA.

HON. WILLIAM H. SEWARD, &c., &c., &c.

* For this inclosure see instruction to the United States minister to Chili March 27, 1868.

Mr. Seward to Señor Fontecilla.

DEPARTMENT OF STATE,
Washington, April 27, 1868.

SIR: I transmit for your information a copy of the reply* of this department to a note of Señor Don Ignacio Gomez, the minister plenipotentiary of the republic of Nicaragua, upon the subject of the good offices of the State of Central America towards putting an end to the war between Spain on the one side, and Ecuador, Peru, Bolivia, and Chili on the other.

I avail myself of this occasion to offer to you, sir, a renewed assurance of my high consideration.

WILLIAM H. SEWARD.

Señor Don MARIANO SANCHEZ FONTECILLA, &c., &c., &c.

*For inclosure see correspondence with the legation of Nicaragua.

COSTA RICA.

Mr. Morrell to Mr. Seward.

No. 9.]

LEGATION OF THE UNITED STATES,
San José, Costa Rica, May 8, 1868.

SIR: I have the honor to transmit herewith copies and translations of the correspondence relative to the visit of the Prussian steam sloop of war *Augusta* to the bay of Limon, and its object. The documents consist of the letter of Captain Kinderling to the Prussian consul residing here, with translation, marked respectively No. 1 and No. 2; the letter of the consul to the Costa Rica government, with translation, marked respectively No. 3 and No. 4; the reply of Secretary Volio, with translation, marked respectively No. 5 and No. 6; and my letter to the secretary, soliciting the copies, with translation of his reply, marked No. 7. These documents fully explain themselves.

I submit this correspondence without remark, merely observing that the refusal to accede to the solicitation so flatteringly presented may be accounted for by the pointed allusion to the Monroe doctrine, the principles of which are declared to be "acknowledged by all America," which is sufficiently significant.

I have the honor to remain, sir, very respectfully, your obedient servant,

A. MORRELL.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

P. S.—I deem it proper to advise our representatives in the other Central American states of this affair by this mail, and by the next will send them copies of the correspondence.

Respectfully,

A. M.

Captain Kinderling to Mr. Lahmann.

[Translation.]

SAN JOSÉ, *April 20, 1868.*

HON SIR: I have the honor to make the following communication:

Among other instructions given me by his Majesty's admiralty, all of which contemplate the protection of North German commerce of his Majesty the King of Prussia's North German subjects, is also that of examining the port of Limon, on the coast of the republic of Costa Rica, in order to ascertain whether it possesses all those requisites that his Majesty's government may deem desirable to establish there a depot for their West India naval station. This has been the motive of my visit to Limon, which port I surveyed minutely, reconnoitering likewise its environs; nor did I hesitate to go up to the interior and across the whole country, so as to obtain all necessary information, since a port is useless without the possibility of communicating with the interior. The result of my investigation is, on the whole, favorable to the object in view. It is true, the bay of Limon at present is nothing more than a roadstead, partially sheltered by a point of land, a coral reef, and a small island; however, its condition is altogether such that, with a comparatively small outlay it can be turned into a good port, far better, for instance, than Colon, (Aspinwall,) the present intermedium of the whole transit between

the two oceans. Neither is there, for the time being, a road between Limon and the interior; a dense forest, lofty mountains, and many small rivers, still divide the Atlantic coast from the cultivated part of the country. Still, as I crossed this region, I became satisfied that it is an easy task to open a road from the higher table lands to the coast, inasmuch as the greatest difficulty, the crossing the mountains, is already overcome. All the part of the road already made is graded nearly on an equal level, winding gradually down the slopes of the hills; almost the only part wanting in that which crosses the forest, where the only labor will be to clear away the wood by felling and burning the trees.

Taking all these circumstances into consideration, I cannot but recommend to his Majesty's government the bay of Limon as a proper place for erecting a depot.

But an immediate consequence of my instructions and mission, and a duty to be necessarily derived from them, is that of securing, if possible, to his Majesty's government the means of subsequent negotiation; for otherwise, my reports, however favorable, would be illusive and useless. My motive for expressing this opinion is, that I am perfectly aware that at this very moment an effort is being made to secure to other parties the use of the port of Limon, under one pretense or another.

Therefore I claim your good offices, as the representative of Prussia, in order to present to this supreme government a request that they will agree to consider themselves as bound, with regard to the port of Limon, for a term of six months from the 1st of June next; in this sense, that they will consent not to make any contract with any foreign government or private company before the expiration of the term I have specified, namely, before the 1st of December next.

I need not dwell on the advantages Costa Rica must derive from a more intimate connection with Prussia, these being perfectly understood by this supreme government. I shall, also, strictly abstain from taking any political view of the question; for a formal treaty can only be agreed to with some diplomatic representative of the North German Confederacy, invested with full powers for the purpose.

It is hardly probable that any formal objection will be raised against my request, since I present it through your medium, Mr. Consul; and, as I have stated before, it must be considered as agreeing with my instructions and a necessary consequence of the same.

I would respectfully beg you to communicate this note to Don Julian Volio, minister of foreign affairs, and remain, Mr. Consul, your most obedient servant,

KINDERLING,

Captain, Commanding his Majesty's sloop of war Augusta.

J. FREDR. LAHMANN, Esq.,

His Majesty the King of Prussia's consul.

Mr. Lahmann to Señor Volio.

[Translation.]

CONSULATE OF HIS MAJESTY THE KING OF PRUSSIA,

San José, Costa Rica, May 1, 1868.

HONORABLE SIR: His Majesty the King of Prussia's steam sloop of war *Augusta* cast anchor in the bay of Limon on the 10th of April last. Her commander, Captain Kinderling, R. N., has received various instructions from the admiralty of the North German Confederacy, and, among others, that of visiting the coasts of the Caribbean Sea in search of some port whose situation and conditions might be turned to account as a depot and station for the North German navy, it being the intention of his government to establish several naval depots and stations in different parts of the world, and one of these in the sea of the Antilles. This government having kindly invited Captain Kinderling, he is now in this capital, as you are aware. He has found the bay and port of Limon very well adapted to the object in view; and, taking into consideration the geographical situation of Costa Rica, the peaceable character and industry of her inhabitants, the circumstance of a road having been planned and even begun, leading from the interior to said bay, and finally, the prosperous future such advantages must secure to the country, he considers himself justified in recommending to his government the port above mentioned, and also the expediency of negotiating with the supreme government of Costa Rica for a grant in said port.

Captain Kinderling considers that all his surveys, and all the trouble he has taken, would be thrown away did he not succeed in obtaining from the supreme government of Costa Rica an assurance that they will not bind themselves to any other government, company, or private party for the use of said port, with the object above specified, until his report reaches Berlin, where his government will weigh and consider the reasons he adduces, and will, in all probability, be prompted by them to open negotiations with

Costa Rica for a grant of said port for the purpose of establishing there a naval depot and station.

I have the honor to inclose the original communication directed to me by Captain Kinderling, who commissions me to ask your kind mediation in obtaining from the supreme government of Costa Rica a term of six months from the 1st of June next, to insure sufficient time for dispatching and receiving a reply to his reports to his government about Port Limon and Costa Rica generally; it being understood that, during the term mentioned, the government of Costa Rica shall bind itself not to enter into any engagement respecting Port Limon, as far as concerns the use it is intended to make of it as a depot and station for the navy of the North German Confederacy.

I hardly need expatiate upon the advantages Costa Rica would derive from a treaty such as the one in view, for you, Mr. Minister, are better able than myself to appreciate them fully. For the present I shall, therefore, remain satisfied with requesting your best interest in obtaining from the supreme government the term required, and improve this opportunity to subscribe myself, Mr. Minister, your humble servant,

J. FREDR. LAHMANN, *Consul*.

Hon. DON JULIAN VOLIO,
Minister of Foreign Affairs, San José.

Señor Volio to Mr. Lahmann.

[Translation.]

NATIONAL PALACE, *San José*, May 6, 1868.

SIR: I have given due consideration to your esteemed dispatch of 1st instant, in which you are pleased to communicate the result of the surveys made by Captain Kinderling, commanding his Prussian Majesty's sloop-of-war *Augusta*, in the bay of Limon, on the Atlantic coast of this republic, in order to ascertain whether said port unites all those conditions which may appear desirable to his Majesty's government for establishing there the depot of their West India naval station. You, at the same time, express the request that this government should consent to enter into no arrangements, either with any foreign government or any private company, with respect to the bay of Limon, for six months dated from 1st June, 1868, in order to insure time sufficient for a commission of the North German Confederacy, invested with full powers to come here and negotiate for a concession in said port. I am instructed by the President of the republic to answer, that, although Costa Rica would most assuredly derive great material advantages from the establishment of a naval station in any of her ports, principally on her north coast, still her traditional policy, agreeing with those principles acknowledged by all America, and, above all, with the peculiar circumstances of her situation, forbids her to make special concessions to any government whatever, however great her sympathy for the same, and however completely secured her independence and political autonomy may be.

In our present condition any deviation from the inflexible rule we have bound ourselves to follow, namely, to grant equally to all nations that honor us with their friendship, without distinction or privilege of any kind, such advantages as they justly demand, both for their commerce and countrymen, would create complications that we must avoid, even at the expense of delaying that progress we so anxiously covet.

Such being the case, there is no danger of this government granting any exclusive privilege to any other government, neither during the six months you demand, nor within a longer period, whatever the advantages tendered in return.

But as the spirit of private enterprise in Prussia might need for its development either the use of the bay of Limon, or of part of the public lands, or of some navigable river in this country, nothing prevents that, during the term of six months asked by Captain Kinderling, some private company should be formed, with the object of improving the port, or building a road to the interior, or some other work useful to this republic, with the assurance that, if the conditions set forth are acceptable, all lawful privileges required shall be granted; and, in the meanwhile, this government shall consider itself bound to negotiate with no other company during said term of six months.

Trusting that my answer will prove satisfactory to you, I have the honor to remain, sir, your obedient servant,

J. VOLIO.

J. FREDR. LAHMANN, Esq., *Prussian Consul, San José.*

Mr. Morrell to Señor Volio.

LEGATION OF THE UNITED STATES,
San José, May 6, 1868.

SIR: I would respectfully solicit copies of the correspondence between the Prussian consul and this government in relation to the proposed establishment of a naval station by the North German Confederation in the bay of Limon, for the purpose of transmitting the same to the State Department of the United States.

Please accept, Mr. Secretary, the assurance of my high consideration.

Very respectfully, your obedient servant,

A. MORRELL,
Acting Consul in charge of the Legation.

Hon. JULIAN VOLIO,
Secretary of State for Foreign Affairs, San José.

Señor Volio to Mr. Morrell.

[Translation.]

NATIONAL PALACE, *San José, May 8, 1868.*

SIR: In reply to your esteemed communication of the 6th instant, I do myself the honor to inclose copies of the correspondence exchanged between this department of state and the Prussian consul, in reference to a special concession solicited for establishing a naval station in the bay of Limon.

As no private character attaches to this affair, I think you are free to make of this correspondence such use as you may deem proper.

Accept the assurance of the particular regard of your obedient servant,

J. VOLIO.

ARTHUR MORRELL, Esq., *United States Consul, San José.*

Mr. Morrell to Mr. Seward.

No. 10.]

LEGATION OF THE UNITED STATES,
San José, Costa Rica, May 8, 1868.

SIR: I have the honor to inclose herewith a brief outline of the message of the President of Costa Rica, addressed to congress on the opening of the session, May 1st. I also send you by this mail a printed copy of the message in full.

This government, in view of the urgent necessity for adopting some adequate measures for diminishing the excessive cost of transportation of the coffee crop to a port of shipment, propose to open a new port at a place called Tivives, in the gulf of Nicoya, situated some twenty miles less distant from the coffee-producing districts than Punta Arenas, and accessible by a much easier route, to which a road can be made that will avoid all the high mountains and deep ravines now traversed with great difficulty, and with such easy gradients as to admit of double the present quantity being hauled by a given number of cattle, and in much less time, provided the harbor, after a careful survey by competent hydrographers, shall prove to be suitable.

But, owing to the entire absence in this country of persons capable of making the necessary surveys, and considering the little reliance to be placed on the reports of hired engineers from abroad, it is proposed to solicit the execution of the work from some one of the nations, viz., the United States, England, and France, having squadrons in the Pacific;

it being presumed, perhaps with reason, that it would be an employment not only appropriate but likewise agreeable to them.

Much interest is felt in this subject, not only by the government, but by the leading capitalists, and indeed by all who are interested in the exports and imports of the country, which includes both producers and merchants; and I am aware that the government by last mail instructed their minister at Washington to suggest the matter to our government, the first to which it addresses itself; but, failing to receive there the assistance desired, they will then address themselves to one of the other nations named.

Such being the case, and showing as it does that this government regards ours as its first and most reliable friend, I trust it will be found practicable and convenient to comply with the desire indicated, and to detail a vessel of war for the purpose. Independent of other and weightier considerations, the reception which would be given to the commander of such a vessel here could not fail to enhance the cordial relations already existing between this country and our own.

As you are already aware, this administration is very desirous of celebrating a treaty of reciprocity with the United States, and I think it a matter which deserves serious consideration. We ought to supply a greater part of the wants of these countries, but under present circumstances our manufacturers cannot compete with those of Europe. Under a reciprocity treaty with this country, (and the other Central American states would soon follow,) not only an extensive market would be opened for our manufactures, but a great amount of surplus capital would find employment here. The new port of Limon would at once be utilized; a road from there to the interior would immediately be constructed; adequate inducements would offer themselves to immigrants, who would augment the number of consumers of and traffickers in our products. In short, these countries would soon be "Americanized."

The matter has been several times mentioned by the secretary, whose ideas, however, I have not considered sufficiently liberal to be entertained; and I have at last thrown out a hint that a treaty on the following basis might, perhaps, be accepted by our government, viz: All products of Costa Rica arriving in vessels of Costa Rica or of the United States, to be free of duty in the United States, and all products and manufactures of the United States, except rum, tobacco, and gunpowder, (which are government monopolies,) arriving in vessels of either nation, to be free of duty in Costa Rica.

I would thank you to inform me whether it would be agreeable to our government to receive a proposal from this, for a treaty on such or some similar basis; and if so, I have no doubt it would be made without hesitation.

It is true, such a treaty would diminish our custom-house receipts somewhat, but only to a limited extent, and means could easily be found to make up the deficiency; and even if they could not, the advantage gained by the nation from such an extension of our commerce would more than balance the loss, independent of the important political considerations involved. The time would soon come when we might well say "America for Americans."

I have the honor to be, sir, very respectfully, your obedient servant,
A. MORRELL.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Brief outline of the message of the President of Costa Rica to Congress, at the opening of the session, May 1, 1868.

Liberty and security for individuals, tranquillity, peace, and prosperity for the republic, have marked the second as they did the first year of this administration; Costa Rica is at peace with all the nations of the globe. A minister has just been received from Nicaragua, whose mission is to celebrate a treaty of friendship, commerce and navigation. The national income for the past year has been greater than ever before. The country is in want of new roads and new ports, needs a suitable penitentiary, colleges, and new cuarteles (barracks) in several places, some of which are already in course of construction, and appropriations are made for others. The national bank has been established and is in successful operation. The railroad contract has lapsed in consequence of the failure on the part of the company to comply with its obligations, but there are hopes of a new contract being celebrated with better results. Facilities for the more economical transportation and shipment of coffee are greatly needed, and a road to the river San Carlos is recommended, as also a road to the port about to be opened on the Pacific, Tivives. Recommends that the export duty on coffee (now half a cent per pound) be reduced one-half, and the deficiency made up by slightly augmenting the import duties. The executive has not been able to accomplish any thing in regard to public instruction for want of the requisite authorization. Recommends the appointment of a commission to revise the code.

Mr. Morrell to Mr. Seward.

No. 11.]

LEGATION OF THE UNITED STATES,
San José, Costa Rica, May 25, 1868.

SIR: Respectfully referring to my dispatch No. 9, dated 8th instant, accompanying copies of correspondence between the Prussian consul and this government in reference to a proposed naval station for the North German Union in the bay of Limon, I have now the honor to inform you that the Prussian consul here, I believe, will strenuously urge upon his government the expediency of promoting the formation of such a company as is suggested in the latter portion of Mr. Volio's letter.

In my opinion, it would be a good thing for this country if such a project could be carried out, as it needs settlers above all else for the development of its many resources; and it need be no cause of dissatisfaction to the United States, for the clause in Mr. Volio's letter, "if the conditions set forth are acceptable," covers a wide ground; and such a company, unless its members should become naturalized citizens of this country, would be on no other footing than all other foreigners. Should they become naturalized, so much the better on all accounts.

I remarked in the dispatch above referred to that I would "advise our representatives in the other Central American States of this affair, and send them copies of the correspondence by the next mail." On reflection afterwards, I considered that there was no great necessity for sending copies, especially after the comprehensive extracts contained in my letters to them. Still, inasmuch as I promised the copies in those letters, I resolved to send them, only, however, with the special consent of Mr. Secretary Volio, as I had asked them of him in the first place with a view to their transmission to the Department of State. He not only consented readily, but seemed pleased to have them sent.

I mention this circumstance for the purpose of asking, as there are sometimes occasions requiring the communication from one legation to another of advices, documents, &c., though rarely so in time of peace, perhaps, whether I have erred in deeming this to be such an occasion. My sole motive for the proceeding was, that there might be a similar application made in some of the other States, either on the Atlantic or Pacific, especially on the latter, as Nicaragua, Honduras, and Salvador,

all have some very eligible ports; and in such a case it would be well to have the decided negative answer of Costa Rica known.

In default of instructions for my guidance in conducting the affairs of the legation, I am obliged to rely almost exclusively on my own judgment; and if I sometimes err I hope it will be on the right side. My aim is to make all my intercourse, written or otherwise, characterized by truth, justice, and comity, regulated by such common sense as I happen to possess, which last, if fortunately combined with tact and judgment, may for most practical purposes answer in place of the wisdom which I am sorry to say I lack.

I have the honor to subscribe myself, sir, very respectfully, your obedient servant,

A. MORRELL.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Blair to Mr. Seward.

[Extract.]

No. 2.]

LEGATION OF THE UNITED STATES,
San José, Costa Rica, October 10, 1868.

SIR: I have the honor to inform the department that on the 2d day of last month (September) I left my place of residence in Parkersburg, West Virginia, for my post of duty. It being necessary that I should visit the city of Washington before leaving the country, in order to receive further instructions, I did so, and then proceeded to New York, from which place, I embarked on the 16th of the same month for Aspinwall, on board of the steamer Ocean Queen, arriving at Aspinwall on the 24th. I continued on my journey, and after some unavoidable delay I arrived at my post of duty on the 2d of this present month, (October.)

Soon after my arrival I expressed my desire to the secretary of foreign affairs that a day might be fixed, in order that I might present to the President my letter of credence. Accordingly it was the pleasure of the President to fix on Tuesday, the 6th of this present month (October) for that purpose. At the time named above I obtained an audience, and was received by the President with great cordiality. On handing my letter of credence to the President, I made a few remarks—marked inclosure No. 1. A copy of the reply of the President marked inclosure No. 2.

* * * * *

I have the honor to be, sir, your obedient servant,

JACOB B. BLAIR.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

MR. PRESIDENT: It has been the pleasure of the President of the United States to appoint me minister resident to the Republic of Costa Rica, and I have the honor to place in your possession my credentials as such.

In performing this agreeable duty, I am directed by the President of the United States to assure your excellency that it is the earnest desire of the government of the United States that the friendly feeling now so happily subsisting between the two gov-

ernments shall not only remain undisturbed, but, if possible, be placed on a more permanent basis. I beg to assure your excellency that it will be my constant aim, as it will be my duty, to give effect to the desire of my government in that behalf, and thereby contribute to the interests and happiness of the two countries.

Mr. MINISTER: I feel the most lively satisfaction in receiving you in the character conferred upon you by the credentials you (now) deliver into my hands. I congratulate myself on seeing in this little republic another worthy representative of the wise, great, and mighty power that made way for the independence of the other states of this continent. I am aware how important it is for the prosperity and aggrandizement of my country that the friendly feeling happily existing between it and the United States of America should be not only maintained, but consolidated and strengthened as much as possible. If such is the wish of the noble President of the North American Union, for my part I long for it, and will do to realize it all that lies within the bounds of the power vested in me by the constitution.

I am highly gratified, Mr. Minister, by your assurance that you will contribute to so commendable an object, and I promise you beforehand that the people and government of Costa Rica will be grateful, as sincerely as I bid you welcome, and express my best wishes for the welfare of your country and its worthy President.

Mr. F. W. Seward to Mr. Blair.

No. 5.]

DEPARTMENT OF STATE,
Washington, November 5, 1868.

SIR: I have to acknowledge the receipt of your dispatch No. 2, of the 10th ultimo.

Your proceedings as described since your arrival in the republic are approved. Your cordial reception by its government, and the very friendly remarks made on that occasion by the President, are extremely gratifying.

I am, sir, your obedient servant,

F. W. SEWARD,
Acting Secretary.

JACOB B. BLAIR, Esq., &c., &c., &c.

Mr. Blair to Mr. Seward.

No. 5.]

LEGATION OF THE UNITED STATES,
San José, Costa Rica, November 10, 1868.

SIR: I avail myself of the first opportunity offered, to lay before the department the facts in regard to the revolutions which has recently taken place in this republic.

Immediately on my arrival here, I endeavored to obtain accurate and reliable information as to the political condition of this republic, particularly whether there were any wrongs or serious grievances complained of, which were likely or might lead to a change of government. Of course I labored under great disadvantages, from the fact that I was an entire stranger to every one. I had to proceed with great caution, lest I might be led into error by unreliable information. I, however, soon became satisfied that there was a jealousy or rivalry existing between two leading houses or families, as to which should give direction to public matters, or govern the country.

According to the constitution of the republic, a new President had to be elected in April next. One of the parties above mentioned charged

the acting President with not only being in sympathy with the candidate of the other party, but that he was using his official position to secure his election; still, there was but little excitement about the matter, as the election was some six months off. I was convinced, by the most prominent men I came in contact with, that there was such a universal desire with all parties to observe the law and abide by the constitution, that nothing of a serious character would grow out of it. Such seemed to be the condition of things up to the 1st instant.

On the first Sunday of every month it is the custom for all the militia of this province to assemble here, at the plaza, to drill and have their fire-arms examined. Accordingly on the 1st instant—being Sunday—they were here as usual. I, in company with the vice-consul of the United States at this place, walked up to the plaza, where they were being drilled. They were formed into a hollow square, and then reviewed by President Castro, in company with the two leading generals of the army, after which the President retired to his mansion, about a square distant from the plaza.

Immediately after the President left, one of the generals above mentioned announced to the militia "that it became necessary, for the good of the country, that the President, Dr. Don José Maria Castro, should be removed from office, and that Señor Lic. Don Jesus Jimenez should be declared President." Orders were issued at once to take possession of the *quartelles* and other public property belonging to the government, which was done accordingly. The President was immediately notified, by two officers sent for that purpose, of what had been done, coupled with the request that he would remain at home. The revolution was then at an end. It was as effectual as it was sudden. Not a shot was fired or particle of resistance offered. People went to church as if nothing unusual had taken place. Notwithstanding nearly everybody seemed surprised, there appeared to be a general acquiescence in what was done. Since then all the provinces have acquiesced in the action taken at the capital, and the people are pursuing, as usual, their daily avocations.

I inclose herewith the Boletín Oficial, dated the 3d instant, which I have marked inclosure No. 1, in which you will find the address of the general of the army, his excellency the President's proclamation, the addresses of the army, and citizens of the capital; also the action taken by the municipalities of San José and Cartago. On the 3d instant, I had the honor to receive from his excellency A. Esquivel, the secretary of state, a note, informing me officially of what had taken place, and expressing an earnest desire on the part of the President that the friendly relations existing between the government of Costa Rica and the United States should remain uninterrupted. I have had the same translated, and inclose a copy, marked inclosure No. 2.

On the following day I had the honor to address a reply to the note of the honorable secretary, a copy of which is marked inclosure No. 3. I felt that I could not in my reply do less than express my regret, at least, of the manner in which the late President was removed from office. But inasmuch as the new government seemed to be almost universally acquiesced in by the people, I did not feel that I would be justified in refusing to recognize it officially.

I am assured by those who profess to have the confidence of the existing administration, that the President will, in a day or two, issue a proclamation, directing that delegates be elected to convene at an early day, to form a new constitution, and that when made, it will be more liberal and republican in its provisions than the last one.

In looking over the whole ground, from my standpoint, I have been led to the following conclusions:

First. That the destinies of the republic of Costa Rica are principally in the hands of the two leading generals of the army; that they have the confidence of the soldiers and the militia of the republic, and that the latter will follow the former wheresoever they may choose to lead them. Second. That like the two leading families I have mentioned, there is a jealousy—and a growing one—between these two generals; that so soon as either one or the other thinks he has the ability to strike effectively for power, he will do it. Third. That the great mass of the people are very civil and well disposed, and, further, that they earnestly desire a republican form of government, and one that would be permanent; but that they are impotent to give effect to that desire, for the reasons above mentioned. I hope, however, that the future will prove I am wrong in my convictions, and that the convention, which will soon assemble to form a constitution, will act from the most patriotic motives, and give the people not only a republican constitution, but so distribute the powers of the government, as one will act as a check on the other. I will inform the department from time to time of all events which may take place, or matters which may seem to me important to communicate.

I am, sir, your obedient servant,

JACOB B. BLAIR.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Señor Esquivel to Mr. Blair.

[Translation.]

NATIONAL PALACE, SAN JOSÉ,
November 3, 1868.

SIR: On the 1st instant, the army of the republic, the municipality of the province, and a considerable majority of the principal citizens of this capital, considered themselves justified in divesting Dr. Don José Maria Castro of his office of President of this republic, and in calling to fulfill the high duty Licentiate Don Jesus Jimenez, who had been appointed first substitute to exercise executive power.

The other provinces have countenanced the action taken by the capital, and fully approve all the measures adopted here.

Licentiate Don Jesus Jimenez has assumed the supreme power, and the undersigned still retains the office of secretary of state in the department of foreign relations.

For the reasons above mentioned, I have been instructed by the President to assure your excellency that the events which have taken place do not alter in any way those frank and friendly relations that happily exist between Costa Rica and the great republic which your excellency so well represents, and that he will consider it one of his most agreeable duties to endeavor to strengthen more and more the bonds which unite the two republics.

I repeat to your excellency the assurance of the most cordial and deepest consideration, with which I subscribe myself your most humble servant,

A. ESQUIVEL.

Hon. JACOB B. BLAIR,
United States Minister Resident in Costa Rica.

Mr. Blair to Señor Esquivel.

LEGATION OF THE UNITED STATES AT SAN JOSÉ,
Costa Rica, November 4, 1868.

SIR: I have the honor to acknowledge the receipt of your note of yesterday, by which I am informed that Señor Dr. Don José Maria Castro was divested of the office of Presi-

dent of the republic of Costa Rica, and that Señor Licenciado Don Jesus Jimenez has been called to that high position; and, further, that you have been instructed by the President to assure me that the events that have taken place do not alter in any way the friendly relation that exists between Costa Rica and the United States. I hope I shall be pardoned for expressing my deep regret that, in the judgment of those you have named, it became necessary to remove the late President from office in the manner detailed in your note. I am, however, happy to learn from you that the action taken at the capital has been fully approved by all the provinces of the republic. I shall lay before my government, at the earliest possible period, the contents of your note, and, unless I shall receive instructions to the contrary, will regard my relations to the government of Costa Rica as heretofore.

I beg you to assure his excellency the President that the government of the United States earnestly and sincerely desires that the most friendly relations shall exist between the two governments, and, as in the past, so in the future, it will strive, by all means consistent with the national honor, to preserve that feeling of amity and good will which has heretofore existed between the two countries.

I cannot close this note, Mr. Secretary, without expressing to you the great gratification I feel on being informed that, notwithstanding the events which have taken place, you will still retain the office of secretary of state in the department of foreign relations, which you have heretofore filled with so much honor to yourself and benefit to your government.

Be pleased to accept, Mr. Secretary, the assurance of my most distinguished consideration.

Your obedient servant,

JACOB B. BLAIR.

Hon. A. ESQUIVEL,
Secretary of State, &c., &c., &c.

Mr. Seward to Mr. Blair.

No. 7.]

DEPARTMENT OF STATE,
Washington, December 1, 1868.

SIR: Your dispatches of the 10th of November, Nos. 5 and 6, have been received. In your No. 5 you announce that a revolution has taken place in Costa Rica, which was effected by the mere display of military force, unresisted, and without the effusion of blood. You further announce that in that movement the President, Señor Castro, was deposed, and the first provisional substitute, Señor Jimenez, had assumed the executive power. The further transactions mentioned are an acquiescence of the several provinces, the suspension of the constitution, and the call of a national convention to adopt a new constitution. As a consequence of these events, you have recognized the new President, subject to directions on the occasion from the President of the United States.

It does not belong to the government or people of the United States to examine the causes which have led to this revolution, or to pronounce upon the exigency which they created. Nevertheless, great as that exigency may have been, the subversion of a free republican constitution, only nine years old, by military force, in a sister American republic, cannot but be an occasion of regret and apprehension to the friends of the system of republican government, not only here, but throughout the world.

It only remains to say that the course which you have pursued is approved, inasmuch as it appears that there is not only no civil war, but no government contending with the one which has been established.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JACOB B. BLAIR, Esq., &c., &c., &c.

GUATEMALA.

Mr. Warren to Mr. Seward.

No. 32.]

LEGATION OF THE UNITED STATES,
City of Guatemala, January 6, 1868.

SIR: I have the honor to acknowledge the receipt of your dispatch of November 29, (No. 17.)

I send you with this a translation of a communication received this morning from the minister of foreign affairs in relation to the published reports of an impending war with Mexico. I am very certain that there is no tangible foundation for the rumor, beyond a desire to embellish the telegraphic column by a sensation paragraph. Beyond this slight ripple of excitement, there is nothing to disturb the tranquillity of the people.

The coffee crop promises a very large increase from the last year's yield, say, by estimate, one hundred thousand quintals against forty thousand for the previous year. There are now at the roadstead of San José eight vessels, a number never before known, and which indicates a healthy increase of commercial intercourse. With a return to a specie basis of currency, the trade of this country will tend largely to our country, on both the Pacific and Atlantic coasts. Now it is mainly with California, where the currency assimilates to that of this country.

The chamber of deputies is still in session, but with great quietude of debate, and but little progress in absolute business.

I remain, Mr. Secretary, with high respect, your obedient servant,
FITZ HENRY WARREN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Señor Aycinena to Mr. Warren.

[Translation.]

MINISTRY OF FOREIGN RELATIONS,
Guatemala, January 9, 1868.

SIR: Several daily papers of the United States which have been received by the steamer from Panama, give notice that there was to be a war between Mexico and Guatemala, for supposed grievances of this government offered during the revolution which has just ended in that republic, and upon questions of boundaries. The government of Guatemala have been surprised by these statements, as there has transpired nothing which could justify them. Between the authorities of the republic and those of the states of Mexico there are the best relations, and we have received the most explicit declarations of a desire to maintain the harmony and peace so necessary between continuous peoples.

There has been an armed invasion, which organized in and came from the territory of Chiapas, but of emigrant Guatemalians, which that government had no power to prevent, but for which they issued orders to that intention—an invasion which was promptly suppressed and energetically punished in our own limits.

With regard to the question of boundaries, although we have never had a fixed line, which has given cause from time to time to complaints and disputes between private citizens which could not be avoided, the government of Guatemala has been disposed to have an adjustment with that of Mexico, to the accomplishment of a friendly and cordial

solution of the causes of disagreement. These political events which have disturbed frequently the neighboring republic have not permitted the attention which the question merits. Such is at present the state of affairs between the two republics; therefore there exists no reason which could justify the statements of the dailies to which I have referred. The newspapers of Chiapas have sometimes published articles which have shown a spirit not the most friendly at the time of the close of the late revolution which has agitated Mexico.

When these papers arrived at the capital there were published some articles in some of the papers which intimated a desire to make reclamations and reopen the dispute upon boundaries, and of which they wrote with great inexactitude. These publications were probably contributed by Guatemalian refugees, who would be gratified to see their country involved in an exterior war to subserve their own personal interest. They must most certainly have given origin to the report—in all particulars false—which the dailies of New York have published and circulated. Being sure that the government of your excellency looks with interest upon everything which tends to the preservation of peace between this republic and the neighboring governments, the President has directed me to address your excellency this communication, that you may make known its purport to the government of the United States, so as to dissipate whatever doubt those reports to which I have referred may have given character and currency.

In compliance with the order of the President, I avail myself of this opportunity to repeat to your excellency that I remain,

Your most obedient servant,

PEDRO DE AYCINENA:

Major General FITZ HENRY WARREN,
Minister Resident of the United States.

Mr. Seward to Mr. Warren.

•No. 19.]

DEPARTMENT OF STATE,
Washington, February 11, 1868.

SIR: Your dispatch of the 6th of January, No. 32, has been received, and its accompaniment, which is a copy of a communication which was addressed to you on the 9th instant by the minister for foreign affairs for Guatemala. The assurance which the minister gives that the rumors of an interruption of pacific relations between Guatemala and Mexico which have obtained circulation are groundless, is highly gratifying. The President especially appreciates the kindness and confidence which the Guatemalian government manifests toward our own in making the matter a subject of formal communication.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

FITZ HENRY WARREN, Esq., &c., &c., &c.

HAWAIIAN ISLANDS.

Mr. Spalding to Mr. Seward.

No. 42.]

LEGATION OF THE UNITED STATES,
Honolulu, Hawaiian Islands, April 20, 1868.

SIR: I have the honor to inform the department that the legislative assembly of this kingdom was formally opened on Saturday, the 18th instant, by a royal commission appointed by his Hawaiian Majesty. owing to the absence of his Majesty the King on a visit to the island of Hawaii.

A copy of the royal address is herewith inclosed.

I have the honor to be, with great respect, your obedient servant,
Z. S. SPALDING.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

His Majesty's address, delivered by royal commission at the opening of the legislature of 1868.

NOBLES AND REPRESENTATIVES: A great calamity has befallen the island of Hawaii. My duty to my subjects has called me away from my capital, and I have delegated a royal commission, presided over by my well-beloved father, to open the regular session of the legislature.

Until the last few weeks my kingdom had enjoyed uninterrupted prosperity. Peace, quiet, and abundance had prevailed. Let us bow humbly to the will of God Almighty, whose hand is now heavy upon us, and let us, with brave heart and well-timed charity, relieve the distress of those of our countrymen who have been thus suddenly and severely afflicted.

Our relations with foreign powers continue to be most satisfactory. The important treaty with the United States of America, which was considered at the last extraordinary session of the legislature, has not yet received the ratification of the President. My minister of foreign affairs will furnish you with such intelligence of the progress of the negotiation as may be from time to time received.

Preliminary steps have been taken by my government to secure the conclusion of a treaty with the confederation of North Germany, to be substituted for our present treaties with Bremen and Hamburg. Some of our treaties have been denounced. Changes are contemplated in our stipulations with England and France, and I confidently hope that the result of these various negotiations will increase our intercourse with Europe, as the anticipated conclusion of our convention of reciprocity will develop our trade with the great republic of the United States.

Our negotiations with Japan have so far been successful. Important and favorable results may be expected from the opening of trade with, and immigration from, that kingdom.

My minister of the interior will inform you of the steps taken by the bureau of immigration towards securing valuable additions to our population and laborers for our fields. An increased appropriation is applied for to enable my government to solve, by practical experiment, the question of immigration, whose importance to the kingdom will not escape your attention. You will be duly advised of the measures adopted by the board of health during the last two years. Owing, in a great measure, to the exertions of the board, the spread of the disease of leprosy has been checked.

As soon as practicable, my government will inform you of the extent of the damage done on Hawaii by the last volcanic eruption. It is hoped that it will not prove so extensive as to require any considerable curtailment from the appropriation for public improvements in other islands.

Our finances are in a most prosperous condition. The report of my acting minister of finance will furnish you all the necessary information on the state of the treasury. Our credit stands high, our public debt is greatly reduced, and a considerable surplus is on

hand. Should the treaty of reciprocity acquire the force of law, some further legislation may be necessary.

It may be well for the legislature to inquire how far the prosperity of this kingdom and the development of its resources may be promoted by judicious assistance to the line of steamers plying between this port and California, as well as to our inter-island steam navigation.

The administration of justice has been conducted with fidelity and impartiality.

It is thought that the public convenience will be promoted by changes in the time of holding certain terms of the court. My attorney general will submit to you the necessary bill for the accomplishment of that measure.

I refer you to the report of the president of the board of public instruction for the details of the work performed by that board. Liberal and intelligent assistance has been granted, on application, to all those who devote their labors to the education of the people. New school-houses have been built; in many places the sexes have been separated; and a system of impartiality, combined with a healthy competition, has contributed largely to the cause of intellectual improvement.

NOBLES AND REPRESENTATIVES: I rely upon your enlightened patriotism and upon your loyalty to our institutions. You will co-operate with me in seeking the welfare of the nation and in providing for its wants. I pray God Almighty, the Ruler of kingdoms, to relieve us in our troubles, to guide us in prosperity, and to help me in maintaining inviolate the dignity of my crown and our national independence—and

We do now declare the legislature of the kingdom opened.

Mr. Spalding to Mr. Seward.

No. 45.]

LEGATION OF THE UNITED STATES,

Honolulu, Hawaiian Islands, July 9, 1868.

SIR: I have the honor to acknowledge the receipt per mail, from the Department of State, of one package addressed to this legation, containing four copies of the "Tributes of the Nations to Abraham Lincoln."

The copy enclosed in a case and marked "For the Hawaiian government," I forwarded to his excellency the minister of foreign relations, with a letter, a copy of which is herewith inclosed, marked "Inclosure No. 1." A copy of his excellency's reply is also inclosed, marked "Inclosure No. 2."

The copy addressed to "the municipal authorities of the district of Lahaina" I have forwarded, with letter, to Elias Perkins, esq., United States consul at Lahaina, to be presented to his excellency the governor of the island of Mani, as the head of the municipal authority for the district of Lahaina.

The copy addressed "To the Rev. E. Corwin," &c., &c., I have not yet delivered, Mr. Corwin being temporarily absent from the city.

The copy addressed "To the gentleman who at the time of the death of President Lincoln held the position of minister for foreign affairs," I hold subject to further instructions from the department, the gentleman referred to, the Hon. Mr. Wyllie, being dead.

I have the honor to be, with great respect, your obedient servant,

Z. S. SPALDING.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Spalding to Mr. de Farigny.

LEGATION OF THE UNITED STATES AT HONOLULU,

Hawaiian Islands, July 3, 1868.

SIR: I have the honor to herewith present, through you, to his Hawaiian Majesty's government, in the name of the United States, a copy of the "Tributes of the Nations to Abraham Lincoln."

Permit me to hope that the memory of our revered and lamented President may but intensify those relations of friendship and comity which have so happily marked the intercourse between his Hawaiian Majesty's government and the United States.

I have the honor to renew to your excellency the assurance of the high regard and distinguished consideration with which I remain your excellency's most obedient servant,

Z. S. SPALDING,
Acting Chargé d'Affaires.

HIS EXCELLENCY C. DE VARIGNY,
H. H. M.'s Minister of Foreign Relations, &c., &c., &c.

Mr. de Varigny to Mr. Spaulding.

DEPARTMENT OF FOREIGN AFFAIRS,
Honolulu, July 3, 1868.

SIR: I have the honor to acknowledge the receipt of your letter of to-day's date, presenting through me to his Hawaiian Majesty's government, in the name of the United States, a copy of the "Tributes of the Nations to Abraham Lincoln."

I beg to tender to you, and through you to the government of the United States, the thanks of his Majesty's government for this handsome memento of the late revered and lamented President of the United States, and I most heartily agree with you in the belief that the reverence felt and paid to his memory by the Hawaiian government and people can but intensify those relations of friendship and amity which have so happily marked the intercourse between the two nations.

I renew to you the assurances of the very distinguished consideration with which I remain your very obedient servant,

C. DE VARIGNY.

Colonel Z. S. SPAULDING,
Acting Chargé d'Affaires of the United States of America, &c., &c., &c.

Mr. McCook to Mr. Seward.

No. 54.]

LEGATION OF THE UNITED STATES,

Honolulu, August 14, 1868.

SIR: I have the honor to forward herewith a copy of a communication addressed by me to the Hawaiian minister of foreign affairs on the 29th ultimo. At the same time I inclosed him a copy of the resolution of the Congress of the United States which accompanied your circular of January 17, 1867, relative to the coolie trade.

I deemed this action called for on my part from the fact that during my absence a cargo of Japanese coolies arrived at this port on the British ship *Scioto*, and were distributed among the planters, and other parties on the islands, under a system of contracts holding them to labor for the term of three years. I know nothing of the circumstances under which these people left Japan, but suppose you are fully advised in the premises, through Mr. Van Valkenburgh.

I have been informed that it is in contemplation to send an expedition to the South Sea Islands under the auspices of the Hawaiian government, or the Hawaiian Board of Immigration, for the purpose of procuring laborers (coolies) from there. Should this really have been the design, I hope the communication I have already addressed to his Majesty's government may lead them to abandon their purpose. If any such attempt is persisted in, I will deem it my duty to protest most emphatically against it, unless otherwise directed by you.

As these South Sea Islanders are without an organized government, and unable to protect themselves, any attempt to take them by force or fraud from their own country, and reduce them to a state of temporary

servitude here, would, it seems to me, justify such active interference on the part of the government of the United States as might be necessary to prevent the inauguration of a traffic more odious than the coolie trade of China.

I have the honor to be your very obedient servant,

EDWARD M. MCCOOK.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. McCook to Mr. Phillips.

LEGATION OF THE UNITED STATES AT HONOLULU,

July 29, 1868.

SIR: I have the honor to inclose you a copy of a resolution on the subject of the coolie trade, which has unanimously passed both houses of the Congress of the United States.

It is believed that in this matter the resolution referred to correctly indicates the moral sentiment of the country I have the honor to represent; consequently I transmit the inclosed copy for the information of your government, believing that his Majesty, actuated by those sentiments of humanity for which he has always been so eminently distinguished, will cordially co-operate with the government of the United States in its endeavor to discountenance and discourage a traffic so repulsive that it meets with the reprobation of the civilized world.

With sentiments of the highest consideration and regard, I have the honor to be your very obedient servant,

EDWARD M. MCCOOK.

His Excellency STEPHEN H. PHILLIPS,

H. H. M. Minister of Foreign Affairs, &c., &c., &c.

Mr. McCook to Mr. Seward.

No. 57.]

LEGATION OF THE UNITED STATES,

Honolulu, September 4, 1868.

SIR: I have the honor to call the attention of the honorable Secretary of State to the inclosed copy of a dispatch with its inclosures, which I have received from his Hawaiian Majesty's minister of foreign affairs in reply to my communication to him concerning the coolie trade, a copy of which I forwarded to you in my dispatch No. 54, dated August 14, 1868.

I have the honor to be your very obedient servant,

EDWARD M. MCCOOK.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Phillips to Mr. McCook.

DEPARTMENT OF FOREIGN AFFAIRS,

Honolulu, August 20, 1868.

SIR: I have the honor to acknowledge the receipt of your dispatch of the 29th ultimo, inclosing a copy of the resolution of the Senate of the United States in regard to the so-called coolie trade, by which it is sought to indicate the moral sentiment of the United States, and in which the fraudulent traffic in Oriental labor is denounced as "inhuman and immoral."

His Majesty's government recognize the influence of this declaration. The exalted character of the body originating it, and the importance of the philanthropic question considered, demand for it high respect. Neither has your dispatch done more than

justice to the humane and elevated sentiments of his Majesty the King of these islands. You are aware, sir, that the constitution granted by the present sovereign, on the 20th day of August, A. D. 1864, contains the following:

"Article 11. Involuntary servitude, except for crime, is forever prohibited in this kingdom; whenever a slave shall enter Hawaiian territory, he shall be free."

His Majesty's government are bound to resist all attempts, under any disguise, to revive a system of involuntary servitude. The resolution of the Senate is, therefore, sympathetically welcomed; for it expresses the purpose of a powerful government to adhere to a world-renowned policy of extirpating the last vestige of human slavery.

The peculiar situation and necessities of the Hawaiian islands invest this subject with especial interest. Upon the introduction of the sugar culture, an unexpected demand arose for cheap labor. The want could not be supplied without looking abroad.

Attention was naturally directed to the over-peopled Oriental countries, and a strong pressure was brought to bear upon the government to permit such an indiscriminate traffic in "coolie labor" as would have deserved the epithets of "inhuman and immoral." The feeling was so strong that the authorities were exposed to the charge of oppression, and unwarrantable interference with private enterprise. But the ground was taken and firmly adhered to, that the introduction of labor from abroad was not a matter of "enterprise" or "traffic" at all, but a high prerogative of government, which should no more be farmed out than the superintendence of the police, or the administration of justice. A board of immigration was organized, which has ever since superintended the introduction of laborers and their contracts with employers, and has guarded their rights by stringent regulations. In fact, it has exercised over these friendless people a superintending care not unlike that of the Freedmen's Bureau of the United States. Strict laws secure appeals to local magistrates, in case of injustice, and although laborers can be compelled to execute contracts specifically, there is no greater abridgment of individual right than in the case of sailors and freedmen in your own country.

It may not be amiss to call attention to the position of the government, in several cases where attempts have been made to impose upon it.

On the 23d of April, 1867, the British ship *Eastfield* appeared off this port with a large number of Chinese coolies on board, under a contract to a firm in Honolulu, which had some months before become insolvent. Such a contract was, of course, a gross violation of the rules of the government, and had the firm been pecuniarily responsible, they would have been required to return the laborers at once to China, regardless of expense. But the insolvency of the firm required some action on the score of humanity. The government therefore took charge of the laborers, subjected them to their regulations, and made contracts on their behalf, to the great loss of those concerned in the shipment, whose case demanded little sympathy. The government were sustained throughout by the cordial co-operation of the representative of the British government, Mr. Wodehouse. Notice was also immediately transmitted to the Hawaiian consul at Hong Kong, which will doubtless prevent such impositions hereafter.

A copy of the dispatch from the foreign office of this government to Mr. Whittall is herewith inclosed, and may prove interesting in this connection.

A practice was once general, which was thought to be justified by the peculiar necessities of this nation, of issuing from the offices of Hawaiian consuls in other countries temporary or provisional registers to vessels purchased on behalf of Hawaiian owners, by authority of which they might sail upon the ocean until they reached an Hawaiian port, and there obtained an Hawaiian register. This practice led to abuses, of which this government received the first information in a letter from his Majesty's consul at Hong Kong, of which a copy is inclosed for reference.

By reference it will be seen that these vessels, bearing the national flag of this kingdom, made their appearance at Macao, with the undoubted purpose of embarking in a most disgraceful traffic, and prostituting the Hawaiian flag to the basest purposes. The consul immediately and firmly interfered, refusing all papers to these vessels, and forbade them to leave port. The position of the consul was still more firmly explained in a second dispatch, a copy of which is also inclosed.

This government promptly replied to the consul approving his course, as will appear from extracts inclosed.

In view of such abuses the issuing of provisional registers has been discontinued in all cases but those of vessels directly bound to Hawaiian ports. It is not known what became of the suspected ships, but they abandoned all claim to the Hawaiian flag.

This government also took the greatest pains, by public notices in Honolulu and Hong Kong, to make its purpose distinctly known.

The legislative assembly at its recent session, by somewhat stringent legislation, imposed upon the minister of the interior the duty of preparing a form of contracts for labor. One form has been prepared, which is to be amended still more in favor of the laborer, and which, it is thought, will secure them every right.

The legislative assembly also appropriated a large sum of money to aid immigration, one great object sought to be accomplished being the introduction of a large proportion of Polyesian females. The present excess of males is productive of disastrous

consequences, and undoubtedly tends, with other causes, to the diminution of the Hawaiian race. It is the purpose of this government to introduce laborers of kindred stock from the less frequented islands of the Pacific, in equal proportion of male and female, and to require every planter who employs any males to provide for a corresponding number of females, and at once to establish houses for these poor people, where the marriage relation shall secure the purity of domestic life.

In this connection I think it well to call attention to the recent introduction of a lot of laborers from Yokohama, which has attracted attention in the American newspapers, and has apparently excited the United States diplomatic representative in Japan. These laborers are not "coolies" in any sense in which that term can be offensively used. They came here voluntarily. They made contracts voluntarily after landing, by which, in consideration of liberal compensation, they agree to work for three years, at the end of which term they are to be taken back to their own country, at the expense of their employers. The board of immigration have superintended all these transactions, and have carefully protected the Japanese against imposition, and I feel that I may confidently give the assurance that every right of personal liberty has been most scrupulously guarded.

Your own government must admit that the general economy of the world and the philanthropic spirit of the times will be promoted by a systematic diversion of the excessive population of Oriental countries to these islands. The Hawaiian group, with its great natural resources and unrivaled climate, can sustain a largely increased population. Their favorable position in the Pacific affords facilities for a varied and extensive commerce, while their proximity to the United States renders it certain that any advancement of their prosperity will directly contribute to the material growth of the great American republic.

This full exposition of national purpose is due to the humane policy of your government and the spirit of the resolution which you inclose. His Majesty's government congratulate themselves that their efforts are likely to be sustained by the powerful influence of the United States. The co-operation of her Britannic Majesty's commissioner has been afforded upon one important occasion, and there can be little doubt that the police of the seas will be most effectually maintained by the two strongest maritime nations of the world.

I renew to you the assurances of the high respect and consideration with which I remain your very obedient servant,

STEPHEN H. PHILLIPS.

His Excellency General E. M. McCook,
Minister Resident of the United States of America.

Mr. Hutchinson to Mr. Whittall.

FOREIGN OFFICE,
Honolulu, April 30, 1867.

SIR: Mr. C. de Varigny, the minister of foreign relations, being absent on the Island of Hawaii, I think it right to inform you by the earliest opportunity that the British ship *Eastfield* arrived at this port from Manila, on the 23d instant, with a large number of Chinese coolies on board, bound to labor on these islands under contract to the late firm of Walker, Allen & Co., merchants of this city. These coolies were originally shipped from Hong Kong, on the Dutch bark *Antonio Petronella*, which was forced to put into Manila in distress, and was there, I believe, condemned. It is unnecessary for me, sir, to tell you that the importation of these men into this kingdom is illegal without the consent of his Majesty's government, and in defiance of the ordinances published in the official columns of the *Hawaiian Gazette*, copies of which were, I believe, republished by you in the *Hong Kong* newspapers.

His Majesty's government have permitted these men to be landed, on the score of humanity, under stringent regulations. I have to request you on the part of this government that you will interpose and desire the authorities at Hong Kong not to permit any vessel to clear with bonded laborers on board, for any of the ports of this kingdom, without your formal permission.

I have the honor, &c., &c.

F. W. HUTCHINSON,
Acting Minister of Foreign Affairs.

To J. WHITTALL,
His Majesty's Consul General for Hong Kong and Macao.

Mr. Whittall to Mr. de Varigny.

HAWAIIAN CONSULATE,
Hong Kong, January 8, 1867.

SIR: I have to inform you that three vessels bearing the Hawaiian flag have recently made their appearance in these waters; the Mameluke, the Polores Ugarte, and C. Carom, holding provisional registers granted by the King's consul at Lima, Mr. J. R. Eldredge.

These vessels have put into this port with the intention of proceeding hence to Macao, and there taking on board Chinese emigrants or "coolies" for Callao. It is possible that the stigma and disgrace attaching to this traffic, as conducted at Macao, have not become known to you at Honolulu, but the abuses, the evils, and the misery and crime which the system involves have earned for it the reprobation of all right thinking men. I have determined to preserve the Hawaiian nation from the scandal attaching to such prostitution of its flag, and I have intimated to all parties interested that should these vessels take on board China coolies at Macao, I shall not permit them to quit China waters, until they shall have presented themselves in Hong Kong and complied with the provisions of the British colonial emigration act, in the efficacy of which I place confidence, &c., &c.

J. W. WHITTALL.

His Excellency the HAWAIIAN MINISTER of *Foreign Affairs*.

Mr. Whittall to Mr. de Varigny.

HAWAIIAN CONSULATE,
Hong Kong, February 16, 1867.

SIR: In reference to my last despatch, I have to inform you that the vessels spoken of are still in this harbor, empty.

The result of an interview upon my part with the governor of Macao has been an understanding to the effect that so long as vessels bearing the Hawaiian flag comply with Portuguese law, he may regard them as rightful traders, but that he can, and will, in no wise interfere with any embargo which I may place upon them, as his Majesty's representative.

I have, therefore, intimated to the charterers of the vessels that unless they can declare to me that when Mr. Consul Gal. Eldredge furnished these crafts with Hawaiian registers, he was aware that such were for the purpose of enabling them to engage in the coolie traffic, I cannot allow them to quit these waters, until I receive instructions from the King's government. None of the parties interested have since addressed any communication to me.

J. W. WHITTALL.

His Excellency C. DE VARIGNY,
Hawaiian Minister of Foreign Affairs.

Mr. de Varigny to Mr. Whittall.

FOREIGN OFFICE,
Honolulu, April 10, 1867.

SIR: Your course of action is most fully and entirely approved of, and I am happy to tender to you the thanks of his Majesty and cabinet for your prompt and energetic interference in behalf of our flag.

I write by this mail to our chargé d'affaires in Lima in relation to this subject, and inform him of the dangers that might accrue to our good name from an indiscriminate use of our flag. Instructions to this effect had already been transmitted to him, &c.

I renew to you, &c., &c.

C. DE VARIGNY.

J. W. WHITTALL,
His Hawaiian Majesty's Consul General for Hong Kong and Macao.

Mr. McCook to Mr. Seward.

No. 59.]

LEGATION OF THE UNITED STATES,
Honolulu, September 14, 1868.

SIR: I have the honor to inclose herewith, marked No. 1, a printed copy of an official notice published by me calling the attention of American residents, ship-owners, &c., on these islands to the laws of the United States and the late resolutions of Congress concerning the coolie traffic. I deemed this necessary, both for the information of all concerned, and for the salutary moral influence the publication of these laws, &c., would exert upon the members of this government, just at this time, when they were endeavoring to inaugurate a new scheme for the introduction of bonded laborers, under the name of "immigrants."

In my dispatch No. 54, dated August 14th, 1868, I expressed the opinion that such an effort would probably be made; since then, the Hawaiian Board of Immigration, as you will see by the inclosure marked No. 2, has solicited proposals for a vessel, to be sent under their auspices, on an expedition to the Gilbert, Caroline, and other South Sea Islands for the purpose of procuring "immigrants." As the savage inhabitants of these islands possess nothing but *muscle*, which could be available to the people here, and as the further importation of coolies from China or Japan has been pretty effectually stopped, I can only regard this new enterprise as a project to obtain plantation laborers, by bringing them here under the guise of "immigrants."

The stand I have taken has led to a very thorough discussion of the whole system of coolie labor by the press of the kingdom; and caused the government to abandon their South Sea "immigrant" scheme, at least for the present.

I inclose an article, marked No. 3, cut from the *Ke-Kuokoa*, the leading native paper here, which undoubtedly reflects the sentiments of that class of the native population who have any sentiments, and indicates, as well, the feeling of a large majority of the foreign population of the islands.

Hoping my course may meet with your entire approval, I have the honor to be your most obedient servant,

EDWARD M. MCCOOK.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

No. 1.

Notice to American citizens and ship-owners.

LEGATION OF THE UNITED STATES AT HONOLULU,
August 31, 1868.

For the information of American citizens and ship-owners resident on these islands, and of American shipmasters touching here, I deem it proper to publish the following resolution on the subject of the coolie trade, which unanimously passed both houses of the Congress of the United States, viz:

"IN THE SENATE OF THE UNITED STATES,
January 16, 1867.

"Whereas the traffic in laborers transported from China and other eastern countries, known as the coolie trade, is odious to the people of the United States as inhuman and immoral; and whereas it is abhorrent to the spirit of modern international law and policy, which have substantially extirpated the African slave trade, to permit the establishment in its place of a mode of enslaving men differing from the former in little

else than the employment of fraud instead of force to make its victims captive; be it therefore

"Resolved, That it is the duty of this government to give effect to the moral sentiment of the nation through all its agencies, for the purpose of preventing the further introduction of coolies into this hemisphere or the adjacent islands.

"Ordered, That the Secretary lay the foregoing resolution before the President of the United States.

"Attest:

J. W. FORNEY, *Secretary.*"

In furtherance of the humane policy adopted by the government I represent, I also deem it my duty to call the attention of all whom it may concern to an act entitled "An act to prohibit the coolie trade by American citizens and American vessels," approved February 19, 1862, which provides:

1. That no citizen or resident of the United States shall prepare any vessel to procure or carry from "China or elsewhere" persons known as "coolies," to be disposed of, or sold, or transferred, *for any term of years, or for any time whatever, as servants or apprentices, or to be held to service or labor.* Any vessel owned by citizens of the United States, in whole or in part, so employed, shall be forfeited to the United States.

2. Every person building, equipping, sending to sea, or aiding to prepare in any way, or navigating as master, factor, agent, owner or otherwise, any vessel belonging in whole or in part to any United States citizen, or registered, enrolled or licensed within the United States to be employed in the above trade, or in anywise aiding or abetting therein, shall be liable to be indicted therefor, and on conviction punished by a fine not exceeding two thousand dollars and imprisonment not exceeding one year.

3. Any citizen of the United States who shall, contrary to the true intent and meaning of this act, take on board, or receive, or transport any such persons, for the purpose of disposing of them as aforesaid, shall be liable to be punished as before mentioned.

4. Free and voluntary emigrants may be taken upon the certificate of the United States consul or consular agent at the port where they embark, which certificate is to be given to the master of the vessel only upon satisfactory evidence that such emigration is actually free and voluntary.

5. All United States laws applicable to the carriage of passengers by United States merchant vessels apply also to all vessels owned in whole or in part by citizens of the United States, or registered or licensed within the United States, carrying passengers between foreign ports, with the same penalties and forfeitures.

6. The President of the United States is authorized to direct United States war vessels to examine all vessels navigated or owned, in whole or in part, by citizens of the United States, whenever there is reasonable cause to suppose such vessels are engaged in any way in violation of this act.

The foregoing is simply an abstract of the law, which will be found in full on page 340, volume 12, of the United States Statutes at Large.

EDWARD M. MCCOOK,
Minister Resident.

No. 2.

Vessel wanted.

By authority of the Board of Immigration, the undersigned solicits proposals for furnishing a schooner or other vessel, of sufficient capacity to accommodate at least forty immigrant passengers. Such vessel will be required to proceed to the Gilbert and Caroline Islands and such other points as may be designated by the board, or the agent who may be selected to take charge of the enterprise. Proposals will be received until the first day of September next. Further information may be obtained by application to

FERD. W. HUTCHINSON, *President.*

Bureau of Immigration, August 25, 1868.

No. 3.

THE COOLIE QUESTION.

KE-KUOKOA, *September 12, 1868.*

The Commercial Advertiser of last week has a leader devoted to the question of bonded laborers, or, to be plainer, the coolie system of these islands. This is a subject which we have been convinced would sooner or later force itself before the public. It

is a question which vitally affects the principal manufacturing interest of the group, and for this reason, no doubt, the discussion has been evaded by the writers for the press; but the time has arrived when the subject must be met and fully ventilated. The article in the Advertiser is simply an answer to one in the Gazette, by which the ministers have evidently sought to mislead foreign communities, for reasons best known to themselves.

We indorse the Advertiser article until it proposes to transfer the prosecution of the coolie immigration from the hands of the government to those of private parties. In this we cannot concur, believing that the coolie system should be abolished and forgotten, the sooner the better. We will neither propose nor support a compromise with a system which tend to degrade a fellow-man. We have no sympathy with a measure which has for its aim the classification of his Majesty's subjects—the setting apart one class as better than another in the eye of the law. It is our belief that when the Senate of the United States declared that the coolie system only differed from the African slave trade in that it used fraud instead of force to secure its object, it published an opinion which unbiased individuals must indorse. We do not charge that this government is knowingly a party to the fraud. That deceit has been practiced upon the coolies we need no better evidence than the assertion of the Gazette, that during the first years of their bondage they are continually seeking to know the nature and force of their contracts, and it is our belief that they only discontinue their efforts from a sense of utter hopelessness of being righted; yielding in despair to superior force and intelligence. The Japanese recently imported seem to labor under the same ignorance as to the nature of their contracts, and recently we heard that the whole force of Japanese engaged upon a plantation refused to work, and suffered imprisonment, on account of a misunderstanding as to the terms of their contracts; again, the board of immigration notified the employers of Japanese that \$10 alleged to have been advanced to them in Japan should be stopped from their wages, which the Japanese deny having received. We believe that fraud was practiced upon both Chinese and Japanese. We were surprised that the Gazette should have stated that the coolie was, upon arrival here, upon equal footing with native laborers, when an act was passed at the recent session of the legislative assembly which empowered the minister of the interior and board of immigration to make such rules and regulations as they might deem best for the proper government of imported laborers; but we are certainly more surprised that the Gazette should dare to deny “*in toto*” that coolies are brought here. If so, they have practiced the grossest deceit upon planters whom they agreed to furnish with “coolies,” and their agent in China certainly advised them of the shipment “of two hundred and forty-six coolies per Chilean ship Alberto,” and proposed shipment of more per Roscoe. Why not deny that there is a Chinaman on the group? It can be done with equal propriety.

It is of no use for the Gazette “to beg the question” by worse than silly denials. Let the subject receive the attention of the ablest apologists they can secure, or they stand convicted of a grave charge.

It is a source of gratification to Americans that the United States minister resident has taken an early opportunity of declaring, by proclamation, the sentiment of the United States Senate on the coolie question, and we trust that he will receive the sympathy and support of his countrymen in any endeavor he may make to rid these islands of a system so utterly at variance with the spirit of the age.

Mr. Seward to Mr. McCook.

No. 50.]

DEPARTMENT OF STATE,
Washington, October 9, 1868.

SIR: Your dispatch of the 4th of September, No. 57, has been received. I have read with much interest the copy thereunto annexed of a note which was addressed to you by the Hawaiian minister for foreign affairs on the 20th of August on the subject of the coolie trade. The government and people of the United States will appreciate the just and proper proceedings which the Hawaiian government has taken upon that important subject.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

EDWARD M. MCCOOK, Esq., &c., &c., &c.

Mr. McCook to Mr. Seward.

No. 64.]

LEGATION OF THE UNITED STATES,
Honolulu, October 23, 1868.

SIR: I have the honor to acknowledge the receipt of your dispatch No. 45, of August 31, and your dispatch No. 47, of September 4. No. 46 has not yet reached this legation.

On the 16th instant her Britannic Majesty's steam corvette Scout, Captain Price, sailed hence to Tahiti.

Yesterday intelligence reached here that the civil authorities of the island of Hawaii had been resisted by a body of natives, the followers of one of their prophets named Ka-Oua. These people hold a religious faith somewhat similar to the Millerites, and appear to have no especial aim except to live without work, a not uncommon thing in this country.

The only life lost was that of the deputy sheriff of the island, but the authorities here thought the affair of sufficient importance to demand the presence of a military force, and yesterday sent about a hundred troops to the scene of the disturbance. I inclose a strip cut from the Commercial Advertiser of this morning, which gives all the details known concerning the matter.

I have the honor to be your very obedient servant,

EDWARD M. MCCOOK.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

[From the Pacific Commercial Advertiser, Saturday, October 24.]

INSURRECTION ON HAWAII—REVOLT AGAINST THE AUTHORITIES—MURDER OF SHERIFF NEVILLE—TROOPS ORDERED TO HAWAII TO QUELL THE INSURRECTION.

The schooner Prince arrived from Kona, Hawaii, on Thursday morning, bringing intelligence of a serious insurrection in that district, resulting in the death of Sheriff Neville, the probable death of Deputy Sheriff Barrett, and severe injury of threename constables. The particulars, so far as we can gather them, are these:

For several years past, one Kaona, formerly district judge in Honolulu, and a man of considerable intelligence for a Hawaiian, imbibed the idea that he was a prophet sent by God to warn this people of the end of the world. For the past three years he has been preaching this Millerite doctrine on Hawaii, and has made numerous converts. Some months ago he was arrested and sent to the insane asylum in this city as a lunatic, but the physician decided that he was as sane as any man, and he was therefore set at liberty again. He returned to Kona, and the number of his followers rapidly increased, till now it is over three hundred. They are mostly natives, but some are probably foreigners, as we received a letter a few weeks ago from one of them, rehearsing their troubles, which we threw aside as nonsense and unworthy of notice; but in this juncture it may be well to publish a portion of it, which will be found elsewhere.

These fanatics believe that the end of the world is at hand, and they must be ready. They therefore clothe themselves in white robes, ready to ascend; watch at night, but sleep during the day; decline to cultivate anything except beans, corn, or the most common food. They live together in one colony, and have selected a tract of land about half way between Kealakekua Bay and Kailua, which the prophet told them was the only land that would not be overrun with lava, while all the rest of the island is to be destroyed. Some of their number came to Honolulu a few weeks ago to lease this land from Prince William Lunallilo, who owns it; but he was advised that it would be best not to do so. They brought the money with them and offered to pay a year's rent in advance, but did not succeed in getting it. The land was subsequently leased to other parties, who, when they came to claim possession, found the fanatics on it, and unwilling to surrender. It then became necessary to issue a warrant against Kaona and his adherents to eject them.

On Monday last Sheriff R. B. Neville, accompanied with Deputy Sheriff Barrett and several native policemen, proceeded to their camp and undertook to arrest the prophet.

Thereupon the followers of Kaona attacked the police with stones, killed Sheriff Neville, and cut off his head from his body. His head they stuck up on a pole; his body they would not give up.

Mr. Barrett was also so severely bruised with stones that his life is despaired of. The three native policemen were also more or less injured. During the fight several of the houses of the fanatics were set on fire and destroyed. They threaten to retaliate and destroy the houses of their enemies, whether natives or foreigners.

The following letter from Dr. Gulick, under date of October 9, was received by the Prince:

"Mr. Neville this morning made an attempt to serve a warrant on Kaona and others of his followers, but was stoned to death; and the fanatics refused to give up his body. Several of the constables had a very narrow escape with their lives, and are pretty thoroughly intimidated. The most that can now be expected of the natives is that they act on the defensive till assistance arrive. Should the foreigners here act together on the morrow something may possibly be done in dispersing the infatuated followers of Kaona. But no time should be lost in communicating with the heads of the police department in Honolulu, as there seems to be a general hesitancy here among the authorities. The Kaonites have made threats this afternoon that they will burn and destroy the houses of their enemies, in revenge for some of their houses which were to-day very improperly set fire to by irresponsible persons. A number of foreigners and natives are on guard to-night in Central Kona—I am among the number, watching near the Kainaliu church."

Immediately on the receipt of this news, government determined to send a force to the seat of the disturbance. The schooners Kaimaile and Prince were at once provisioned and fitted out, and sailed at 2 o'clock p. m. on Thursday, with one hundred and seventy-six soldiers, arms, ammunition, &c. The expedition is in charge of his excellency Governor Dominis, who is accompanied by his excellency the acting minister of war, Marshal Parke, Major C. H. Judd, Captains Von Gosnitz and Hassinger, Lieutenant A. W. Judd, and others. The plan is to proceed direct to Lahaina, intercept the steamer Kilauea, and take her on from that point, transferring her mails and passengers to the schooners. By this arrangement the expedition will reach Kona early on Saturday morning.

The promptness with which the government has acted in the matter is deserving of commendation. Although this revolt is not directly against the government itself, i. e., the fanatics have no design except to retain possession of their camping ground, yet it is a bold defiance of its local authority, which should never be permitted to pass without a prompt exhibition of power, and a suppression.

We do not imagine that these fanatics will show any resistance to armed force when it arrives, and if they are still at their camp at Kainaliu, will probably disperse and secrete themselves in the forests back of Kona. They are said to have no arms, and their only weapons being stones and clubs, the force sent up can find no great trouble in dispersing them, even should they resist. Kainaliu is about three miles north of Kealakekua, and near the late Mr. Johnson's land.

We are permitted to make some extracts from a letter from Mr. Roys to Jas. Lemon, which gives a better insight into the purposes of the Kaonites than anything we have seen, and show that they are more determined than is generally supposed:

"*Friday, October 16.*—Mr. Neville and the constables arrived here this morning, and we rode down to the camp to put up notices, but the scene this morning was worse than last night. As fast as a notice was put up it was spit on and then torn from the tree that it was nailed to. After receiving much abuse from them we left the ground and returned to our house.

"*Saturday, 17.*—At the appointed time the magistrate and friend Neville were at my house, but not one of the Kaonites came. Their names were called three times, and no response made. The magistrate then nailed up three warrants, ordering their arrest, and I, in company with sixteen constables rode down; and I must here say that they deserve great credit for the cool way in which they acted, and received the bad usage and blows which they did. One poor constable was dragged from his horse and shamefully beaten, and his horse, saddle, and bridle taken away, so that he had to walk home. The constables stood all this, but never returned a blow. So we made good our retreat. Neville was not with us this time.

"*Sunday, 18.*—To-day Neville is notifying all parties to muster here to-morrow morning, as the time fixed to carry out and maintain the law in the name of the King. I expect there will be lives lost on both sides.

"*Monday, 19.*—This morning some two hundred men mustered here, and headed by Neville we rode down to the camp, and such a sight! Blood flowing in all directions; and I am sorry to say friend Neville is killed. This night I expect my house will be in flames, and many more. There are some dozen or more houses on fire. I am taking the children and clothing away, also Mrs. Roy, as they have threatened to kill her to-night. God help us."

P. S.—We have letters this morning from Kealakekua dated Wednesday, the 21st. On

Monday afternoon there was another attack on the rebels, resulting in the death of a native named Kamai, who was one of the attacking party, and also the death of three rebels—five in all, including Mr. Neville.

Since that, up to Wednesday noon, no more lives have been lost, though the rebels openly threaten to kill Mr. Roys and his wife, and also Rev. Mr. Paris. One or two prominent foreigners are in sympathy with and aiding the rebels.

Thus it appears that there have been three lives lost so far, and the rebels have taken an oath that they will never leave their land alive.

In this connection we insert the letter before referred to, which will give some insight into the movements of the deluded followers of Kaona.

FROM THE CAMP AT KAINALLU.

“NORTH KONA, October 9, 1868.

“To the Editor of the Commercial Advertiser :

“Some folks might like to know what a jolly time we had celebrating the 150th psalm. You see we are justified in having a big time. We had been a month previous collecting all the kerosene oil cans, tin pots and kettles, pipes and plates that we could think of, except the old harps of King David, which we did not know how to make. Our thanks are due to a neighbor, who fitted us up with some big drums, made from sugar kegs, which answer the purpose well—he being a man well skilled in all manner of work. Our prophet says we must keep it up for seven days, as they did among the Israelites of old.

“We have seven banners of divers colors to represent the seven vials of wrath which is to come, and we have other flags of different colors to represent the clouds at night, which we keep watch for, while other people sleep. It's true we feel very stupid in the morning, and are not able to do any work, although we have been offered work. But then our beloved prophet tells us we don't require any work, provided we keep awake night and day a fasting, and that we will talk with unknown tongues, and then we, ourselves, will prophesy. Well, you see it is a fact, and that any man may see, if he will come and see for himself, for our tongues are so thick, and ourselves so stupid, that we can't understand each other, from watching and fasting.

“This same day we were much troubled by seeing our prophet fall into a trance; so then we expect to hear of another volcano running down, as that would be fulfilling another prophecy, that all outsiders are going to be destroyed, and we only saved, who were then stopping on the land Lehuula nui. But when he came to himself, what astonished us most was, that God objected to our renting that said land, and that the man sent to Honolulu came back with the money, \$120; Mr. C. Kanaina declining to receive it. That was all right, as God told the prophet that a stream of lava would soon run down said land. We believe all this to be a fact, and so would others if they had taken their oaths on the Bible, as we have done, to stick to Joseph Kaona through thick and thin. So you see, when a man takes an oath on the Bible it is hard to break it, although I don't mean to say that all the prophecies come right, for at the time we had a long drought he told us to fill all our bottles and calabashes with water, and stow them away in holes, caves, and in our trunks, as there would be no more rain until the millennium, which would destroy all but ourselves.

“Whenever we see our enemies, or go by their houses, we strike up the psalm King David sung against his enemies, and we, the parents, instruct our children to do the same, as therein we feel joyful.

“Now, then, since the prophecy about the land, we understand that our neighbor, the noble Duke, had secured the land previous to our application, and that we have no one to blame but ourselves, since we gave out what a fine time we would have gathering our enemies' stock. But our neighbor, who likes a retired life, did not like the idea of being harassed at the bar of justification, and having an eye to number one, he engaged the land in good time, for which he deserves the thanks of others of his neighbors in the same fix as himself. However, it will not be a hard matter for us to get other land, as that will be the only land that will be safe from the volcano that is to destroy all other places.

“It is true we are getting short of products, such as hogs, turkeys, chickens, and taro, and now that our feast of heaven is taking place, we have cooked all on the hot stones or altar, as they did of old with the blood. You see our doctrine is an improvement.

“We are getting a good many new disciples, who are coming in every day, and we hope to get some influential ones, to help us keep up our feasts. They might as well do it, as they will lose all they have got if they don't join us. If they will come to us, they will not have to work, as our prophet will tell them how to get along without it.

“Sometimes persons come among us wearing our white veils, but whether they think as we do or not is best known to our prophet, who knows all things; or whether it is

to kill two birds with one stone or not, and who have kindly invited our prophet to wine. So you see we are a respectable sect. We would like to bring all these things to light, so that this good government, so kind in subsidizing foreign steam navigation, might help us. It may now be late for us to ask for a little subsidy, yet if we are behind the last legislature, we may be in time for the next Parliament. If not that, couldn't we get the island of Lanai or Kahoolawe? We will not be particular about the soil, as we don't cultivate except sweet potatoes, corn, and beans, which come to maturity quick; we calculate to live mostly by psalm singing.

"Another pilikia we have just at hand. The tax collector is coming along on the 6th of next month for money that we have not on hand, as we spent all we had for linens, which are costly, and got credit. But we did not consider that anything, as we expected before this time that all would be destroyed except ourselves. Another misfortune is, that instead of going to the place where the assessor told us to assemble, we would not go because the owner of that house was not of our persuasion; the consequence is that he took down the last year's assessment, although we previously sold our horses to buy our white robes, to be ready for our passover. But we will soon know something mighty, as our prophet prophesies that he has to go to prison once more, which then will be seven times; and then will be the end, and we will be all right. So you see we are waiting patiently for this last miracle. Some of us are prophesying; you must know by this time we all do a little at that business.

"The church Lanakila is going soon to be opened, and we are all going to make a grand rush to that building, as we all contributed towards the building of it, and that might be the time our great Head may do something that might commit him. But I am in hopes they won't keep him altogether the next time they get him down there, for that would spoil our fun, and there might not be a chance of subsidy. We want reduction in the taxes, as we ourselves, and the blight, and the ants, are a heavy pressure on this little place, Kainaliu. There are over three hundred of us, and we are sworn to abide by our Makua, and as he tells us we must not work, we need the subsidy or the island before mentioned. We are not allowed to sign individually. We call ourselves

"OHANA.

"NEW CAMP, LEHUULA."

HAYTI.

Mr. Hollister to Mr. Seward.

No. 2.]

LEGATION OF THE UNITED STATES,
Port-au-Prince, May 8, 1868.

SIR: I have the honor to represent that for the last two weeks this city has been kept in a constant state of disturbance in the night season by a mob. It has not been safe for any one to go into the streets after dark, as muskets were fired off without reference to men, women, or children, not aimed at, but liable to be hit any moment by a chance shot. Last Monday General Salnave returned, and made his triumphal entry into the city at 12 o'clock, noon. The demonstration was noisy but not violent. The next day troops arrived from Gonaives, and were, in common with those already in town, furnished with ammunition. They ranged the streets in a turbulent way all the afternoon. In the evening I went to town and spent the night at the office of legation, which is kept at Mr. Conard's house. The house was full of refugees, men, women, and children, to the number of one hundred and fifty. The utmost consternation prevailed. On Wednesday morning I called on Mr. St. John, the British chargé d'affaires, and afterwards on Count Méjare and Mr. Alvarez. We concluded to meet Mr. Delorme, secretary of foreign affairs, and see what could be done to keep the peace. Delorme had already threatened to take the refugees out of the French consulate in the evening, but at last thought better of it, and wrote us all a note inviting us to meet him at 3 o'clock p. m., which we did. He was very conciliatory, and assured us that the peace should be kept and the city quiet. My apprehensions were lulled a good deal, but still the streets were filled with armed soldiers, and many of them were intoxicated. I had hardly reached home when I heard muskets go off, and at last whole volleys were fired in quick succession. To those in town it was a horrible night, and on my arrival in the morning I found that the stores and houses of many persons had been robbed, and several men killed and wounded, business suspended, and everybody in a state of alarm. It is believed that property to the amount of a million of dollars had been stolen during the night. I at once wrote Mr. Secretary Delorme the letter, a copy of which I send inclosed, and then waited on the chargés from England, France, and Spain, and proposed that we should draw up a joint letter of remonstrance, and beg for an early interview with the President. This was done. That my letter was timely and put an end to the mischief I have no doubt. I acted on the best advice that I could get at the time. I knew that nothing but firmness would bring the authorities to their senses. The more these men are flattered the more assured they are that they will be allowed to do what they please. We have had rest now for two nights, and the stores are again opened. The authorities are responsible for the mob, however stoutly they may deny it. Do please send me one or more ships of war at once, as the rebellion is still raging at St. Marc, Aux Cayes, Gonaives, Jacmel, and I expect new demonstrations here. The country is in a wretched condition. I also beg instructions in relation to the receiving of refugees.

It does more mischief here than it does good, and is really, as it is practiced, little more than offering a premium for factious disturbances and a bid for sedition. The three chargés here are ready to recommend the discontinuance of this much abused custom if our government is ready to take the step. I have sent you a copy of my letter to Secretary Delorme of the 6th instant, but on account of the uncertainty of communication I thought it best to send you another. As I am confined to the office of legation every moment, and have no suitable stationery here, I beg you will excuse the appearance of this hastily written letter.

I have the honor to be, very respectfully, your obedient servant,
G. H. HOLLISTER.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

P. S.—Commodore Boggs arrived here last evening in the *De Soto*. I begged him to remain and protect us. The inclosed copies will explain the situation of both parties. Please send me a ship, with orders to remain until the troubles are over.

G. H. H.

Mr. Hollister to Commodore Boggs.

LEGATION UNITED STATES OF AMERICA,
Port-au-Prince, May 18, 1868.

SIR: From information which I have received since I left your ship, I am compelled to enter my most earnest protest against your leaving the American citizens in this city in this defenseless condition. President Salnave threatens to burn the town, and I have good reasons to believe that he intends to do it.

I am, sir, very respectfully, your obedient servant,

G. H. HOLLISTER.

Commodore BOGGS,
United States Steamer De Soto, Harbor of Port-au-Prince.

Commodore Boggs to Mr. Hollister.

UNITED STATES STEAMER DE SOTO, (2d rate,)
Harbor of Port-au-Prince, May 18, 1868.

SIR: I have the honor to acknowledge the receipt of your communication of this date.

I regret extremely my inability to comply with your request, from want of provisions, having only four days' on board, and the positive orders from the rear-admiral commanding the North Atlantic squadron, I must sail this afternoon.

Should I find a vessel at Key West, I will immediately dispatch her to this port; in default of finding one, I will return as soon I have taken in supplies.

I am, respectfully,

CHAS. S. BOGGS,
Commodore United States Navy, Com'd'g De Soto.

G. H. HOLLISTER,
United States Minister, &c., &c., Port-au-Prince.

Mr Hollister to Mr. Delorme.

PORT-AU-PRINCE, May 6, 1868.

SIR: I have the honor to represent that, according to my instructions, I have observed the most strict neutrality in regard to all political matters in this country. It is true that from what I had heard of the valor of the President, and of his struggles in the field, I came here inspired with great admiration for him, and prayed for his success. I had a further motive to desire such success from the fact that he had associated with

him at the head of affairs a gentleman not unknown in Europe or America as a writer, scholar, and civilian, worthy to represent the sentiments expressed in that noble essay which you sent me a few days ago. I have looked forward from day to day, hoping to find an end to the disturbances in the streets of this city; but I have looked in vain. Things kept growing worse and worse. Only a few days before the return of the President a young girl was horribly mutilated in the street, and after that other outrages followed of a worse character.

When the chief arrived I expected, of course, a demonstration, and it passed off quietly.

Yesterday morning the representatives of the four great powers, the United States, England, France, and Spain, waited on you by your special appointment, and received such representations as to the protection of the rights of our respective nations, and of the citizens generally, as made us well assured of the future. I left the office of legation and went to my country seat with perfect confidence that all would be well. Still, I had observed a large number of soldiers walking about the city during the day in a lawless manner, many of whom were intoxicated. They were armed, and I am informed that ammunition was dealt out to them yesterday by the government in quantities sufficient to enable them, if they chose, to commit the outrages which followed.

About 8 o'clock in the evening a mob of soldiers gathered at the quay, and a musket was fired, and after that, others. At this time the presence of a single policeman or officer of the guard could have put an end to the disorder. So far as I know, not a single refugee has escaped from the asylum that he had chosen, although we had a right, under the arrangement made with you yesterday, to turn them all loose in the street at any moment.

It was at the will of your government to put an end to the disturbances in ten minutes. Yet this mob of intoxicated soldiers was allowed to have full range of the city for about two hours. During this time the most brutal excesses were committed—excesses not to be tolerated by civilized nations. Stores and warehouses were broken into and robbed. The sanctities of home were violated, and men were shot defending their property. There is now under my roof a respectable merchant, a native of Virginia, suffering from the agonies caused by a wound which he received defending his own dwelling. I refer to Mr. Hepburn, one of your oldest and most enterprising citizens.

The house of Mrs. Hamilton was assailed, and one bullet, at least, passed through her bedroom and near her bed. Several other houses and stores were broken open and robbed, under cries of "Viva Salnave." In some of the houses thus entered, little children were taken from their beds and thrown upon the floor, and the pillows upon which they had slept carried off by the robbers.

Not even national flags were respected. As this armed rabble passed the house of Mr. Hubbard, consul for Brazil and Bremen, and an American citizen, they saw his flags flying, and cried out, "You may hang out your flags, and we will trample them under our feet." Not even my own house of legation was respected. The soldiers stopped in front of it; one of them struck the gate with his sword, and another with some other weapon. It was proposed to fire on it, and I have reason to believe that this violence would have been done had not some one in the crowd called out to them to forbear.

They did fire off a volley near the back gate, but not at the house. Of course, in this condition of things, all business here is at an end. Many parties are taking refuge on shipboard, or fleeing into the country. Now, sir, with all kindness, but with all frankness, permit me to say that these violences must not be repeated.

If national flags have ceased to be the symbol of safe citizenship and free commerce, guaranteed by treaty, it must be understood that there is a nationality behind every flag. As regards myself I have no fears. It is for the citizens of the United States that I speak. If the city is constantly embroiled in this way, no matter whether the houses or stores of American citizens are invaded, still their business is ruined. If the goods of Haytien merchants are burned or stolen, who are debtors to the Americans, the parties who are robbed are not Haytiens but Americans. This is a small city of about thirty thousand inhabitants, the seat of authority, and having within its limits a large military force. A little care would have prevented all this crime and destruction of life and property.

I know you are in a state of war, but this makes it all the easier, armed as you are, to keep up a police adequate to the demands of the hour. Anticipating evil on my arrival here, I wrote for two or three ships of war to defend the rights of the citizens of the United States in the ports of this country. I expect one here soon. If the authorities cannot keep the peace here, so that persons under my charge shall be safe, I will undertake to do it, and have no fear but that I shall succeed.

The claim that the mob of last evening resulted from the opening of the prison cannot be sustained. Nor did it grow out of the escape of refugees from my house. Not a single refugee has left the shelter of the legation.

The house is filled with defenseless women and children, and the few men who came have remained. As to the receiving of refugees in the exceptional way practiced in

this country, you know it is not for the benefit of the United States, but grows out of the unsettled condition of affairs in this country. Haytiens of all parties and factions have always received the benefit of it—we only the trouble and blame.

I shall forward a copy of this communication to the Secretary of State for the United States, and beg an early answer.

I have the honor to be, with high consideration, your obedient servant,

G. H. HOLLISTER.

Hon. DELORME, *Secretary of State, &c., &c., &c.*

Mr. Hollister to Mr. Seward.

[Extract.]

No. 4.]

LEGATION OF THE UNITED STATES,
Port-au-Prince, May 17, 1868.

SIR: I have the honor to state that this country is in the midst of an insurrection almost coextensive with the limits of the republic. As all regular mails are cut off, it is impossible for me to inform you accurately of the state of affairs, but the large towns, except this, have surrendered to Nessage Saget, the provisional commander-in-chief on the part of the people, who is marching upon this city, as is believed, with about ten thousand men. If this be true, the cause of Salnave is lost, as he cannot have more than one thousand effective troops at this place, and almost all the principal citizens and men of property are ready to join the insurgents on their arrival.

The President receives no visitors, nor advice from any one, but remains at the palace surrounded by a strong guard, and declares that he will burn the town on the arrival of Saget, unless he can repulse him, and that we must all perish together. I have not seen an intelligent person here who doubts that such is his intention. * * * *

The gallery of my house of legation was fired into by a soldier on the 12th instant. The bullet lodged in the roof of the balcony. I was obliged to go to Mr. Delorme and use very strong language by way of remonstrance. He said it was accidental, should not happen again, and that the offender should be punished. I will say for Mr. Delorme that since my letter to him of the 6th instant, a copy of which I have sent you, he has kept up a strong police in the city and the streets have been quiet.

I beg you to think that my whole time and attention are devoted to the interests of our people here and to the general cause of good order. The house of legation protects from one hundred and fifty to two hundred persons every night, and I have been obliged to sleep there on the floor to keep the inmates quiet.

You would be surprised to witness the consternation that exists here. They think that I am the only person who can protect them and insist on my being with them. Salnave will not allow us to embark any of the men who are in the house, and has kept a guard on the quay to shoot any of them who might attempt to leave the city by ship. As I cannot see you to take your advice, I am compelled to take the best counsel that I can get here, and then act on my own judgment. Firmness alone can avail anything in this crisis, and if I have had any fears, I have at least kept them to myself. I have received but one communication from you since I arrived here. The De Soto remained here twenty-four hours.

Repeating my earnest request that you will send me a ship of war, I have the honor to be, very respectfully, your obedient servant.

G. H. HOLLISTER.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Hollister.

No. 4.]

DEPARTMENT OF STATE,
Washington, May 28, 1868.

SIR: Your painfully interesting dispatch of the 8th of May, No. 3, has been received. The lawless condition of society in Hayti which you describe is a subject of grave concern and deep regret. The proceedings by which you remonstrated and reasoned with the government in the interest of public peace and safety at Port-au-Prince are approved. The Secretary of the Navy, on receiving the first intimation of the extreme revolutionary disturbances in Hayti, took the necessary measures for the dispatch of a ship of war to Port-au-Prince, to be employed, if necessary, for the protection of the lives and property of citizens of the United States.

You request an instruction on the subject of the continuance of the exercise of the right of asylum by the legation. The question is attended with much embarrassment. The right of a foreign legation to afford an asylum to political refugees is not recognized by the law of nations as applicable to civilized or constitutionally organized states. It is a practice, however, which, from the necessity of the case, is exercised to a greater or less extent by every civilized state in regard to barbarous or semi-barbarous countries. The revolutionary condition seemed to become chronic in many of the South American nations after they had achieved their independence, and the United States, as well as the European nations, recognized and maintained the right of asylum in their intercourse with those republics. We have, however, constantly employed our influence, for several years, to meliorate and improve the political situation in these republics, with an earnest desire to relinquish the right of asylum there. In the year 1867 we formally relinquished and renounced that right in the republic of Peru. This government has also largely modified the exercise of that right among some of the Oriental nations.

Thus we are prepared to accept the opinion you have deliberately expressed that it is no longer expedient to practice the right of asylum in the Haytien republic. Nevertheless, we should not be willing to relinquish the right abruptly, and in the midst of the anarchy which seems to be now prevailing in Hayti, in the absence of matured convictions on your part. Nor do we think it expedient that it should be renounced by the United States legation any sooner or in any greater degree than it is renounced by the legations of the other important neutral powers. With these reservations, the subject is confidently left to your own discreet judgment.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GIDEON H. HOLLISTER, Esq., &c., &c., &c.

Mr. Hollister to Mr. Seward.

No. 6.]

LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, May 29, 1868.

SIR: I have the honor to state that the condition of this city is growing daily worse. Yesterday the President burned down about thirty houses, and threatened to fire into an orphan asylum where there were about sixty little girls, giving them only twenty minutes to leave. We

persuaded him at last to give them a reasonable time. He still declares that he will burn the city. Whether he will I cannot say, but I shall do my best to prevent it. If I had a ship of war here, my *moral* position would be improved. I send an extract from the Jamaica Guardian, (May 25,) relating to Mr. St. John and myself, stating things which are entirely without foundation. We have never attempted to interfere with matters here, except as I have informed you heretofore.

I have the honor to be, very respectfully, your obedient servant,
G. H. HOLLISTER.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[From the Jamaica Guardian, May 25.]

HAYTI.—ARRIVAL OF HER MAJESTY'S STEAMER PHOEBE.

Her Majesty's steam frigate Phœbe, Captain Bythesea, arrived at Port Royal on Saturday evening from Port-au-Prince, whither she had been sent from St. Jago de Cuba, by instructions received at that port per "Caravelle," on the 16th instant, from Commodore Phillemore.

On her arrival at Port-au-Prince she found the President entrenched within the city, the revolutionists surrounding it, and encamped within eight miles. The President had called upon the inhabitants to take up arms in his defence, declaring that every citizen, above the age of eighteen, who refused or neglected to take up arms for the protection of the government of the dictator, would be treated as a rebel, and punished accordingly. A general conscription had followed, and about five hundred men constituted the national guard of Port-au-Prince.

The army of Generals Hector and Nassage were hourly looked for, and a dash upon the capital was expected; for this critical moment Salnave was preparing, and the fortifications around the national palace which commanded the town had been strengthened by guns in front of the palace gates.

The dictatorship had been publicly proclaimed.

The foreign consuls still refused to deliver up the refugees within the consulates.

Her Majesty's steamer Royalist had arrived, but not knowing that the insurgents had got possession of the light-house at the entrance of the harbor, and extinguished the light, she got ashore in the channel, being deceived at night by the light of a vessel in port, which she mistook for that of the light-house.

The channel is difficult and dangerous. The Royalist remained for fourteen hours in the mud, without being able to obtain any assistance whatever; she eventually got off without having sustained any injury.

Salnave, at the head of a large reconnoitering party, had marched from Port-au-Prince, to discover the position of the revolutionists who threatened him, but, after a distressing march of seven miles, failed in meeting with his adversaries. During the march the troops of the president were fired upon from heights and from the bush, where the insurgents concealed themselves. The party, therefore, returned to Port-au-Prince, with the loss of about ninety men, in the manner we have described.

Salnave, however, determined upon making an attack, and he was busily engaged in preparations for the conflict when the Phœbe left Port-au-Prince.

Strong remonstrances had been made by Mr. St. John, the British consul, and Mr. Hollister, the American minister, against the threatenings of the authorities, and particularly to the terms of a proclamation issued to the effect that if the citizens of Port-au-Prince did not, within two hours after the promulgation of the order, present themselves in arms, in front of the palace gate, the most rigorous and determined measures would be adopted against the city. The said proclamation stated that this would be the last and only notice the President would give. No person was permitted to leave the capital, and the expression of opinion was prohibited.

Mr. Hollister, backed by the guns of Commodore Boggs and the United States steamer Do Soto informed the government that it would be held responsible for any damage that might be done to the property of peaceful citizens, and for the property of American citizens in particular. Salnave replied that the proclamation was issued with the design of frightening his own subjects into obedience, but that he had no intention whatever of carrying into execution the threats which the proclamation held out.

When the Phœbe sailed into the waters of Port-au-Prince, there was a great rejoicing. Salnave, in an order of the day, which appears in the *Moniteur* of the 16th, says the revolution has been brought about by correspondence from Jamaica, which has influenced the opinions of the foreign press, run down the government, and destroyed its credit.

Mr. Hollister to Mr. Seward.

[Extract.]

No. 8.]

LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, June 29, 1868.

SIR: I have the honor to represent that the danger from disease at Mr. Conard's house made it necessary for me to get a promise of amnesty from President Salnave for the safe departure of the Haytien women and children, and for their protection after leaving the house, and his consent that the men by him deemed culpable might be put on board a merchant ship, quietly in the night season, under an escort from the Penobscot, and landed in New York. We had about one hundred and fifty persons in the house who fed at our table, and slept not only in the rooms, halls, galleries, and kitchen, but also in the back yard.

* * * * *

Even the consent that I got from the President was very reluctantly given, at the solicitation of Captain Eastman, Mr. Conard, and myself, who went to the palace together to make the arrangement. The President finally agreed to it as a sanitary measure and out of personal regard for me, for Mr. and Mrs. Conard, and for our government. I then wrote Mr. Conard a letter telling him what was agreed upon, and at the same time told General Romain, one of the refugees, that he might remain, notwithstanding the order, with such of his friends as he thought most in danger.

The next morning the Haytien refugees all left except General Romain and six others, who are still with us. I knew the President would allow me to keep such as I pleased, and afterwards saw him, and he assented to my conduct under our arrangement.

* * * * *

I have the honor to be, sir, your obedient servant,

G. H. HOLLISTER.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Hollister.

[Extract.]

No. 7.]

DEPARTMENT OF STATE,
Washington, July 18, 1868.

SIR: I have received your dispatch of the 29th of June, No. 8, in which you have related the proceedings which you took on a recent occasion to relieve the consulate of an extraordinary and exceedingly inconvenient number of insurrectionary refugees, and of the communication which you held with President Salnave on that subject. * * *

I see no reason to censure or disapprove of your proceedings mentioned, by which you obtained relief from the excessive encumbrance of refugees. The proceeding is in harmony with the instructions you have received from this department, and with the settled policy of the United States. The practice of opening asylum in consular offices to political refugees is exceptional. It is adopted only in intercourse with States imperfectly constituted and established, and it rests for its vindication

not upon principles of international law, but only upon laudable sentiments of humanity.

In all cases the exercise of the right should be attended as far as possible with delicacy towards the State concerned, and with forbearance from all appearance of arrogance and dictation. The imperfect knowledge we have of the existing crisis in Hayti gives us no reason to suppose that you have either compromised the national honor, or done violence to the interests of liberty and humanity.

* * * * *

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GIDEON H. HOLLISTER, Esq., &c., &c., &c.

Mr. Hollister to Mr. Seward.

[Extract.]

LEGATION OF THE UNITED STATES,
Port-au-Prince, August 10, 1868.

SIR: I have the honor to state that our situation here is still very critical. The presence of Captain Eastman in this port has enabled me to maintain my position, as well with the government as with those who are trying to overthrow it. Without being able to hear from you, I have been obliged to act on my own judgment, and have done, in my official character, just what I would have done in my own private affairs.

* * * * *

I ask, as a special favor to President Salnave, and to me, in behalf of the interest of both republics, that you will intercede with the Secretary of the Navy, that Mr. Melville, of the United States ship of war Penobscot, may be detached from active service for the period of two years. I assure you that, in my judgment, the cause of humanity and civilization responds to this request.

Salnave is the only man in Hayti fit to govern the country. The common people love him as their protector and friend. He has been obliged to do what we did in our rebellion, and has shot, for base treachery, a few persons who were better dead than alive. Perhaps I was in the wrong, but I have interceded in behalf of others. The executions which have taken place, as the President assures me, were not in retaliation for the murder, in cold blood, of five or six hundred common people, some of whom were women, shot by the insurrectionary chiefs.

The state of things here, sir, is truly horrible, and something positive must be done for this desolated country. The poor people are suffering beyond what I can tell you of. Commercial interests are nearly destroyed, and unless decisive measures are taken by the only power which can desire to have any relations with the island, except to plunder its people, everything that belongs to a nationality is lost.

I refer you, sir, to a letter of this date, written to the Secretary of the Navy, by Captain Eastman, of the Penobscot, to confirm the sentiments expressed in this letter.

I have the honor to be, sir, your obedient servant,

G. H. HOLLISTER.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Hollister to Mr. Seward.

[Extract.]

LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, September 7, 1868.

SIR: I have the honor to state that the city of Port-au-Prince is again quiet. General Faubert has evacuated La Coupe, leaving all his artillery in the hands of the President. For miles around the country is in absolute possession of the government. I hope this state of things will continue. I also desire to state that I have just completed a little round of visits to my consuls and commercial agents at St. Marcs, Gonaives, and Cape Haytien, and found everything in as good order as could be expected to exist during a period of insurrectionary war. I have been much complained of in the smaller ports for not visiting them more and giving them the presence of a ship of war, but I did not think it would be prudent to take the ship away from Port-au-Prince until affairs here were in a more settled state; so I have embraced this opportunity to make these visits while there was a lull here.

On my return we put into the harbor of St. Nicholas Mole, and I thought you might like to know the observations which Commander Irwin, of the Gettysburg, and I made of the harbor and its surroundings during the few hours that we spent there. I desired to have the government in possession of the opinion of a candid and experienced naval officer, such as I believe him to be, and I thought it would be worth while to follow his suggestions and take the soundings of such parts of the harbor as were not to be found on the old French charts. Perhaps you have not seen the mole, and I therefore venture a little description of it, although it is so out of the way of the ordinary works of nature that words cannot do it justice. The mole proper must be more than three miles long, is almost of uniform height, and at a distance looks like some vast Roman wall. It is mainly composed of limestone. Before you come to it, as you enter from the west, Cape St. Nicholas, on your right, is the first object that commands your attention. It is magnificently bold and volcanic-looking, and clouds always hide the summits so that you cannot well judge of its height. The harbor may be said to begin where the mole and the cape are at opposite points. In fact the cape proper begins nearly opposite the mole. At this point the cape rises from the water in a series of natural terraces, at proper distances for the mounting of guns. The first three seem as level as a house floor. The others are more rugged. I think there are six in all. As you enter the harbor the mole is on your left, and it stretches along between the ocean and the harbor, until it meets a little neck of land which protects the inner harbor from the ocean on the east. The village is of little consequence except to show how snug and cool and healthy a town would be on that site. It is situated on the right hand as you go in, almost at the entrance of the inner harbor. Just beyond the village, and before entering the little harbor, is an old French fort and magazine in a good state of preservation. The outer harbor is almost too deep for anchorage in some places, but protected enough from storms for that purpose, and would hold all the fleets of the world. Just in front of the fort, and for one-third of a mile further in, is a beautiful sand beach shaped like a crescent, and back of it a plateau extending to the mountain in the rear from a quarter to a half of a mile in width. Commander Irwin took the soundings all along this beach, and they ranged in accordance with a little chart marked A, prepared under his direction, which I herewith send you.

The whole of this part of the harbor has a sand bottom, and the water is so clear that I could see the tufts of sponge and the little fish at a depth of eight fathoms. The whole length of this beach above described could be made into a perfect wharf by driving piles into the water at a depth demanded by any kind of ship, and filling in from the shore, so that all classes of vessels could be fastened there by cables in perfect safety. The table land behind the proposed wharf would be entirely practicable for building purposes, and behind the plateau are stone quarries on the mountain side for building materials. Besides this, near by, a river of good fresh water could be made available with little expense, and connected with any enterprise, either naval or otherwise. This river would also supply the city if it were fifty times as large as it is. * * *

It is as healthy a place as Newport. I slept on the hurricane deck in a cot, under an awning, all night, and was obliged to protect myself with a double blanket, and had a fine fresh breeze blowing in my face.

The inner harbor is so remote from the end of the mole that it is perfectly land locked by it. Aside from this, the mainland which forms this little pocket projects far into the water, leaving a deep and narrow channel, but wide enough for the passage of ships. After you get in, you can hardly persuade yourself that you are not on a little country lake surrounded by bold shores. Ships can anchor any and everywhere in this basin, according to their size. The commander went over its whole surface and took the soundings where he thought it necessary, and found them to correspond essentially with the old French chart made 1 don't know how many years ago.

The outer harbor itself, with a battery on the end of the mole and batteries on the terraces of the cape, is perfectly unassailable. Besides, no ship could anchor outside the mole or outside the isthmus before described, for the purpose of landing troops, as it is a wild coast, and the waters are without soundings.

Aside from this, both the mole and isthmus are insurmountable, the mole being about eighty feet high, and the other, on the ocean side, I should judge from forty to fifty feet high. The back country a few miles from the village is said to be exceedingly fertile, and the whole neighborhood is salubrious. * * * * *

I take this opportunity to say that in my opinion the firmness and judicious advice of Commander Irwin as well here as in all other ports which we have found it necessary to visit, have aided me here materially in allaying the bad passions of the contending parties, and in giving whatever support it is proper for us to give to a friendly power.

I have the honor to be, sir, your obedient servant,

G. H. HOLLISTER.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Hollister to Mr. Seward.

[Extract.]

No. 10.]

LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, September 22, 1868.

SIR: I have the honor to state that I have received your two dispatches, Nos. 7 and 8, and that I shall strictly follow the suggestions which I find in them. * * *

There can be, in my opinion, no doubt as to the ultimate success of the government here in putting down the rebellion. The Haytien ship of war *Alexandre Petion*, which has been so long detained in the United States, arrived on the 19th instant, and on the 20th instant went to Petit Goave and sunk the *Sylvain*, a government ship which had been betrayed, and was then in the hands of the insurrectionists. The boats of the *Alexandre Petion* picked up and saved about seventy of the crew of the *Sylvain*. A few were drowned and a few swam ashore.

The *Alexandre Petion* also found at the same place the *Liberté*, another ship of war, which had been in a similar manner placed in the hands of the revolutionists, and fired on her, and it is believed that the shots received would have sunk her, had she not got ashore and been burnt by those who had charge of her. As these two ships, so destroyed, constituted the entire naval force of those who are in arms against the government, and as the president has recently fitted up a new ship of war, and as the armament of the *Alexandre Petion* is quite formidable, he will be able to reach the headquarters of every insurrectionary chief in any seaport of the country. I have, therefore, no doubt that he will soon retake Meragoane, Jeremie, Aux-Cayes, Jacmel, and St. Marc. The other ports in the hands of those acting against him are of minor importance and must soon fall. In this way the seaboard of the whole country will, I think, very soon be opened to the commerce of the world, and business will be restored. Still, the situation is quite critical. I will keep you advised, from time to time, of the state of affairs here, and I beg you to think that in relation to contending parties I shall not intermeddle or do anything not authorized by the known policy of our government. I do not disguise from you the fact that my sympathies have for a long time been with President Salnave. I do not think that any one of the chiefs in arms against him could manage the affairs of the country any better than he does, and I have not been able to discover that he is the tyrant and murderer that he is represented to be by his enemies. His principal fault, on the contrary, appears to be that he has been too credulous in putting his ships and forts into the charge of persons who have betrayed their trust, and that he has been more forgiving than the President of the United States would have been under similar circumstances during the administration of Mr. Lincoln. He is certainly a man of marked ability, great determination, and force of character.

I have the honor to be, sir, your obedient servant,

G. H. HOLLISTER.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Hollister to Mr. Seward.

No. 13.]

LEGATION OF THE UNITED STATES,

Port-au-Prince, Hayti, October 21, 1868.

SIR: I have the honor to state that the Haytien corvette *Alexandre Petion* arrived in this port on or about the 23d September last, and at once proceeded, under the command of Captain Nickells, an American citizen, to the port of Petit Goave, with the President on board, for the purpose of capturing the two ships *Sylvain* and *Liberté*, which were in possession of the rebels. He went within easy range of the *Sylvain* with the American flag flying at the peak of his ship, thus using our colors

as a decoy to deceive the officers of the Sylvain. As soon as he was ready for action, he instantly hauled down the American flag and hoisted the Haytien colors, opening fire on the Sylvain at the same moment. This affair has caused much excitement in the country, and all the rebel chiefs have written to me in regard to it, some of them in a threatening way, and intimating that our flag would not be respected by them unless the thing was explained. Of course I have not felt at liberty to reply to their letters, but I have written to our vice-consuls and other officers residing in the ports held by the rebels, stating that I considered such a use of the American colors improper, and contrary to the practice of civilized nations upon the high seas, and authorizing those officers to say to such persons as they might see fit to communicate with, that such was my opinion; also to say that I should immediately take your advice upon the subject, and if I found that I was wrong, I should inform them by the first mail.

I have also remonstrated with Mr. Pate, the secretary of foreign affairs, in relation to the matter above communicated. He did not claim to approve of what had been done, but seemed disposed to think that I had been misinformed in regard to the facts. I am sure that I have stated them correctly, for I have them from Captain Nickells himself. Please advise me in the premises.

On the 5th instant, the American steamship Maratanza arrived in this port. She had been sent here by Messrs. A. S. & W. G. Lewis, of Boston, to be sold to the government, if terms could be agreed upon. As it was necessary for me to visit our consular agent at Jeremie, and as I could not ask the commanders of the British, French, or Spanish ships of war constantly kept here, and as I had no American ship to carry me, I begged the privilege of going on board the Maratanza, with the promise that I should be landed at Jeremie for the purpose aforesaid. When we arrived off Jeremie, we found that the Alexandre Petion was there, with the President on board, bombarding the town. I asked to be sent on shore under a flag of truce, in order that I might see Mr. Wiener, and assist him in protecting American interests. I was told by the captain of the ship that he could not comply with my request, as he was informed by the captain of the Alexandre Petion that the rebels in port had fired upon a flag of truce the day before, and that he would not be responsible for my safety, or that of his men, if I attempted to go ashore. Within a few hours the President came on board the Maratanza, and, soon after, I was informed that the government of Hayti had bought the ship. The American colors were at once hauled down, and replaced by the Haytien flag. Not long after, I saw preparations were being made on board for bombarding the town. I requested the officers of the ship not to do it until I could be landed, if not at Jeremie, at some other convenient place. They disregarded my request, and opened upon the town, discharging, I think, eight shots.

I am informed by Mr. Wiener that five hundred and seventy-five shells have been thrown into the place with very little damage.

The President left Port-au-Prince yesterday, as is supposed, for Jeremie, and it is thought that his intention was to renew the attack. I would be much obliged to you, if it is possible, to send me a ship of war, in order that I may visit Jacmel, Aux Cayes, Jeremie, Miragoane, St. Marc, and all other places where there are American interests to be protected. It seems more important now than heretofore that I should have such a ship. All the other powers represented here regard it as highly important to their citizens that they should be so protected, and our

interests here are much more important than theirs. I will advise you from time to time.

I have the honor to be, sir, your obedient servant,

G. H. HOLLISTER.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. F. W. Seward to Mr. Hollister.

No. 14.]

DEPARTMENT OF STATE,

Washington, November 2, 1868.

SIR: I inclose a translation of a communication to this department of the 30th of September last, from Jacmel, signed by L. Tanismaine and ten others, calling themselves the committee of public safety, and of a protest which accompanied it, represented to have been addressed to you, against a bombardment, on the 20th of September, of the town of Petit Goave, and the sinking of two war steamers, the 22d of December, and the Liberté, by a war steamer under the American flag. The destruction of these vessels by the Alexandre Petion is mentioned in your dispatch No. 10, of the 22d of September, which, however, is silent upon the subject of the bombardment of Petit Goave.

It is supposed that the committee of public safety referred to may wish it to be believed that because the Alexandre Petion did, as they allege, fly the United States flag upon that occasion, this government is responsible therefor. They consequently threaten to take severe measures against all vessels under that flag, until justice shall have been done them. This department has no other information than that contained in the letter of the committee, that the Alexandre Petion did fly our flag. If, however, the statement of the committee should be true, the act referred to was probably adopted as a stratagem of war. You will make inquiries upon the subject, and if you should ascertain that the statement is well founded, you will address a note to the minister for foreign affairs of Hayti, protesting against a proceeding which was unauthorized, and which may lead to a fulfillment of the threat referred to.

I am, sir, your obedient servant,

F. W. SEWARD,

Acting Secretary.

GIDEON H. HOLLISTER, Esq., &c., &c., &c.

Mr. Sanisaine to Mr. Seward.

[Translation.]

REPUBLIC OF HAYTI,

Jacmel, September 30, 1868.

Committee of public safety of the district to his excellency the secretary of state for foreign affairs at Washington:

We have the honor to send you with this packet, copy of a protest which we have made known to the consul general of the United States at Port-au-Prince.

We expect justice from the great nation which is at the head of the civilization of the New World.

You will blame, no doubt, the unheard-of act which has been committed by a ship of war under the American flag, against a city of the republic, which by the ties which connect it with the great American nation, by the sympathies which exist between the two countries, has a right to its entire protection.

Your excellency will not allow the flag of the noble nation, your care of which is well known to all, to cover the misdeeds of General Salnave, who, notwithstanding the strongly expressed will of the majority of the Haytien people, tries by all means to keep in power.

We are your excellency's very humble servants,

L. SANISAINÉ,

Vice-President of the Committee, and ten others.

His Excellency the SECRETARY OF STATE, Washington.

[Translation.]

REPUBLIC OF HAYTI,
Jacmel, September 30, 1868.

The committee of public safety of the district to the consul general of the United States at Port-au-Prince:

MR. CONSUL GENERAL: The town of Petit Goave has been the victim of an act of hostility on the part of a war steamer, under the American flag. The 20th instant, an armed packet boat, bearing the American flag, entered the port of Petit Goave, which without doubt is known to you to be in the hands of the revolutionists that succeeded in all the departments of the south, all of the north, a great part of those of the east and of the west.

The people of Petit Goave had no alarm at the sight of the flag of a friendly power, a power with which Hayti had relations of commerce and friendship. This vessel came to anchor close to two of our war steamers, the 22d of December and the Liberte, and suddenly opened fire upon them; sunk them in a short time, and bombarded the town of Petit Goave, which it reduced in part to ashes.

We now protest, in the name of the nation, against this unjustifiable act, contrary to the law of nations, and demand justice from the government you represent.

This justice, we hope, will be done by the eminently civilized government of the United States. The deed done at Petit Goave, where a war vessel under the American flag was guilty, will compel us, you know, Mr. Consul, to take severe measures against all vessels under that flag until justice be done to us.

Accept, Mr. Consul General, the assurance of our high consideration.

C. BRUN,
N. MODE,
D. BERGERON,
C. LARGE,
A. FLAMBERT,
P. JASMIN,
DARRIGRAND,
D. J. LOUIS,
B. MAZAC,
U. LAFONTANT.

The Vice-President of the Committee,

True copy:

L. SANISAINÉ.

C. LABIDOU,
Secretary.

The CONSUL GENERAL of the United States, Port-au-Prince.

Mr. Hollister to Mr. Seward.

No. 15.]

LEGATION OF THE UNITED STATES,
Port-au-Prince, Hayti, November 5, 1868.

SIR: I have the honor to state that the government of Hayti has notified me that several ports of this country will be bombarded at any time after the 31st of October last, at the discretion of the President. I have

sent to the secretary of state a written remonstrance against such a proceeding without giving twenty-four hours' notice of the time fixed upon for the bombardment. This remonstrance seemed necessary, as I had no ships of war to protect American rights in any of the ports subject to the order of the government, as above stated. If I had the opportunity to visit the towns thus exposed, I think I could save many lives and much property; as it is, I am powerless. The British government has ordered a ship of war to remain here, at the disposal of Mr. St. John, until the insurrection is brought to a close. The same order has been made by the governments of France and Spain. As it is, I am obliged to remain here and await the result. I earnestly beg you, if it is possible, to send me the Gettysburg or Penobscot, or some other means of conveyance, so that I may visit Jacmel, Petit Goave, Jeremie, Aux Cayes, St. Marc Gonaives, and Cape Haytien, and, if possible, prevent the loss of life and the destruction of property which is very likely to follow. I do not wish to cavil at the policy of the Haytien government, or to complain of the construction put upon the law recognized by civilized nations in such a case: I leave that to your judgment. At the same time, I could do no less than remonstrate. I think that Salnave is certain to succeed, and is the only man here who is fit to rule the country.

I have the honor to be, very respectfully, your obedient servant,
G. H. HOLLISTER.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Hollister.

No. 15.]

DEPARTMENT OF STATE,
Washington, November 10, 1868.

SIR: I recur to your dispatch of the 21st of October, No. 13, in which you mention that on the 5th of October last the United States steamship Maratanza arrived at Port-au-Prince, having been sent by Messrs. A. S. and W. G. Lewis, of Boston, to be sold to the government, if terms could be agreed upon. You further mention that it was found necessary for you to visit our consular agents at Jeremie, and, inasmuch as you could not ask commanders of certain foreign ships of war to convey you there, and had no American ship of war to carry you, that you therefore obtained a passage on the Maratanza, with the promise that you should be landed at Jeremie for that purpose. You further mention that on arriving off Jeremie you found that the Alexandre Petion was there, with the President on board, bombarding the town; that you asked to be sent on shore that you might assist in protecting American interests; that the captain of the Maratanza declined your request, upon the ground that he had been informed by the captain of the Alexandre Petion that the rebels in port had fired upon a flag of truce the day before, and that he, the captain of the Maratanza, would not be responsible for your safety or that of his men if you attempted to go ashore; that the President of Hayti then came on board the Maratanza, and you were soon after informed that the Haytien government had bought that ship; that the United States colors were then at once hauled down and replaced by the Haytien flag, and immediate preparations were made for bombarding the town; that you requested the officers of the ships to refrain from their attack until you could be landed, if not in Jeremie, at

some other convenient place; that your request was disregarded, and that the captain, while you were thus detained on board, fired upon the town, discharging eight shots.

From this statement it would appear that you embarked on board a United States vessel which you were aware at the time was proceeding for the purpose of being sold there to the Haytien government, to be used as a ship of war. It is not to be doubted that you trusted in the good faith of the commander to respect your official character and the neutrality laws of the United States, so long as you should remain on board as a passenger. The result, however, proves that you were mistaken in that confidence. Your proceeding must, therefore, be regarded as very indiscreet, and one which must not be repeated hereafter. It is to be presumed that the captain of the Maratanza was a citizen of the United States. His conduct on the occasion is inexcusable, and proper measures will be taken for the punishment of the offense which he committed by your detention, and by engaging in the assault upon that occasion.

The President of Hayti, having been present and commanding on board the Maratanza, the United States must hold the Haytien government responsible for your unlawful detention, under the circumstances mentioned, on board the Maratanza.

You will address a letter to the minister for foreign affairs, in which you will inform him that the United States will expect an early explanation, with due atonement, for the injury thus committed by the President of the Haytien Republic.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GIDEON H. HOLLISTER, Esq., &c., &c., &c.

Mr. Seward to Mr. Hollister.

No. 16.]

DEPARTMENT OF STATE,
Washington, November 10, 1868.

SIR: Your dispatch of the 21st of October has been received. You mention that the Haytien corvette *Alexandre Petion* arrived at Port-au-Prince on the 23d of September last, and at once proceeded, under the command of Captain Nickells, a citizen of the United States, to the port of Petit Goave, with the President on board, for the purpose of capturing the two ships, *Sylvain* and *Liberté*, which were in possession of the rebels; that he went within easy range of the *Sylvain*, with the American flag flying at the peak of the ship, thus using our colors as a decoy to deceive the officers of the *Sylvain*; that as soon as he was ready for action, he instantly hauled down the American flag and hoisted the Haytien colors, opening fire upon the *Sylvain* at the same time. You mention that you have written to our vice-consul and other officers residing in the ports held by the rebels, stating that you considered such a use of the American colors improper, and contrary to the practice of civilized nations upon the high seas, and authorizing those officers to say to such persons as they might see fit to communicate with, that this was your opinion; also to say that you should immediately take my advice upon the subject. You mention also that you remonstrated with Mr. Pate, the Haytien secretary of foreign affairs, in relation to the same matter.

You were entirely right in denouncing the conduct of Captain Nickells, as also you were right in remonstrating with the secretary of state for foreign affairs in relation to the matter. It is manifest, from your report of the transaction, that President Salnave, if he did not command it himself, at least permitted the abuse of the United States flag on that occasion, a proceeding by which the dignity and honor of the United States are greatly offended. You will, therefore, immediately address a communication to the Haytien government, asking an early explanation, with due satisfaction for that disrespectful and unfriendly proceeding. An inquiry will be instituted, with a view to a punishment of Captain Nickells for his conduct on the occasion referred to.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GIDEON H. HOLLISTER, Esq., &c., &c., &c.

Mr. Seward to Mr. Hollister.

No. 17.]

DEPARTMENT OF STATE,

Washington, December 5, 1868.

SIR: Your dispatch, No. 15, of the 5th November, has been received. In reply, I transmit herewith a copy of a letter of the 3d instant, received by this department from the Secretary of the Navy, to whom the subject of your dispatch had been referred. You will perceive therefrom that it is not in the power of the Navy Department to assign another vessel to Haytien waters.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

GIDEON H. HOLLISTER, Esq., &c., &c., &c.

Mr. Welles to Mr. Seward.

NAVY DEPARTMENT,

Washington, December 3, 1868.

SIR: I have the honor to acknowledge the receipt of your letter of the 1st instant, inclosing copy of a dispatch from the United States minister at Port-au-Prince, relative to the state of affairs on the island of Hayti, and the want of protection to the interests of American citizens there.

The naval force having been reduced, to comply with an act of Congress, Rear-Admiral Hoff is restricted in his operations. A single vessel is probably all that can be assigned to Haytien waters, and the Nipsic is now there.

Very respectfully,

GIDEON WELLES,
Secretary of the Navy.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

HAYTIEN LEGATION.

Mr. Raester to Mr. Seward.

[Translation.]

NEW YORK, NO. 132 FRONT STREET,

August 24, 1868.

MR. SECRETARY: I have the honor to inform you that emissaries from the rebels of Hayti have lately arrived in this city, and among

them is a person named Dejoie, ex-commander of the Haytien dispatch-boat *Liberté*, which he treacherously delivered to the enemy in exchange for arms and munitions of war, to be used against the constitutional government of the country; and, in consideration of the treaty and the good relations existing between the republic of the United States and the government of Hayti, I must ask you to give orders prohibiting the clearance from this port, or any other in the United States, of all arms, munitions, or contraband of war, intended to foment or supply the rebellion in Hayti.

I also inclose a copy of the *Moniteur Haïtien*, containing the decree of my government in relation to the two vessels, *Liberté* and *Sylvain*, which have fallen into the hands of the enemy, and are now used for committing all sorts of depredations upon the coast.

Please accept the assurance of my very distinguished consideration.

GEORGE RAESTER.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

[From the *Moniteur Haïtien*, of the 15th of August, 1868.]

DECREE.

SYLVAIN SALNAVE, PRESIDENT OF HAYTI.

Whereas a few ambitious persons, regardless of the responsibility of causing disorder, pillage, arson, and other crimes in the state, have excited a rebellion and seized the two national war vessels, *Sylvain* and *Liberté*, to commit depredations at sea as they are doing on land, by using those vessels to rob innocent vessels, to their own advantage, and to the damage of general interests;

And, considering that it is necessary to make known the injury those vessels are doing to commerce, and to retake them as soon as possible;

Announcing that the laws punish piracy by death, and the law of nations sanctions every measure for the suppression of such crimes;

By the advice and counsel of our cabinet, we decree as follows:

ARTICLE 1. Let the vessels *Sylvain* and *Liberté*, now in the hands of the rebels, and used against the government of the republic, and in depredations on our coast, be seized wherever found, and punished as pirates.

ART. 2. Every armed vessel is authorized to attack and capture them as lawful prizes.

ART. 3. The present decree shall be published and promulgated by the secretary of state, and the minister of war and marine is charged with its execution.

Done at the national palace, in Port au Prince, this 11th day of August, 1868, in the sixty-fifth year of independence.

S. SALNAVE.

By the President:

N. RIGAUD,
Secretary of State, &c., &c.

A. TATE,
Secretary of Finance, &c., &c.

HILAIRE JEAN PIERRE,
Secretary of Justice, Public Education, and Worship, &c.

Mr. Seward to Mr. Raester.

DEPARTMENT OF STATE,
Washington, August 27, 1868.

The undersigned, Secretary of State of the United States, has received a note from Mr. George Raester, chargé d'affaires for the republic of Hayti, under date of the 24th instant. Mr. Raester informs the under-

signed that rebel emissaries of Hayti, among whom is a person named Dejoie, ex-commander of the Haytien dispatch-boat Liberty, have arrived in New York; wherefore Mr. Raester asks that the undersigned give orders to prohibit a clearance from that port or from any other port in the United States of all arms and munitions or contraband of war intended to foment or supply the rebellion in Hayti.

In reply, the undersigned has the honor to inform Mr. Raester that the power of this government to maintain neutrality in regard to foreign and friendly nations is regulated by law, and constantly resides in the judiciary. While an appeal can be made to the judicial authority at any time by any interested party, it is not conformable with any practice of this government to issue executive orders, unless such special and urgent necessity are shown to the government as are neither shown in the present case by Mr. Raester nor have otherwise come to the knowledge of the President.

The undersigned avails himself of the occasion to tender to Mr. Raester a renewed assurance of his high consideration.

WILLIAM H. SEWARD.

Mr. GEORGE RAESTER, &c., &c., &c.

LIBERIA.

Mr. Seys to Mr. Seward.

[Extract.]

No. 33.]

LEGATION OF THE UNITED STATES,
Monrovia, December 11, 1867.

SIR: I have the honor to inform you that the legislature of Liberia met in this city, according to the constitution of the republic, on Monday, December 2, but immediately adjourned, in consequence of that day being the anniversary of the great battle and victory of 1822.

The day being celebrated with the usual ceremonies and appropriate oratories from the honorable secretary of state and I. H. Roberts, esq., could not fail to perpetuate a remembrance of the patriotism and bravery of the pioneers who laid the foundation of this Christian nation on these barbarous shores. Both houses of the national legislature met again on the 3d December, and have been for some days engaged in deciding the cases of several contested seats. So soon as this is accomplished, they will organize themselves in a joint convention, when the question in reference to the election of a President will constitutionally come before them.

I had the honor to inform the department, in my dispatch No. 16, that of the three candidates for the presidency no one had a majority of votes at the election held in May last, and that it would devolve on the legislature to elect one from those having the highest number of votes. It is generally and confidently believed that the Rev. J. S. Payne, of this city, will be elected.

It shall be my duty and pleasure to keep the department advised of any measures adopted at this session of the legislature affecting those interests of an international character with which the United States or other nations may be concerned.

* * * * *

I have the honor to be, sir, with the highest respect, your most obedient servant,

JOHN SEYS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seys to Mr. Seward.

No. 36.]

LEGATION OF THE UNITED STATES,
Monrovia, December 12, 1867.

SIR: I have the honor to inform you that the British mail steamer due here at 6 a. m. this day having been delayed, I am afforded the opportunity of announcing the fact that James S. Payne, of Monrovia, has been duly elected President of the republic of Liberia.

The house of representatives having seen fit, because of some want of constitutionality in the election returns of one or two places, to throw them out of the general ballots, Mr. Payne was found to have a majority of the votes cast, and his election was announced by the said house of representatives, thus precluding the necessity of a joint convention of the two branches of the legislature for said purpose.

I have the honor to be, sir, with the highest respect, your most obedient servant,

JOHN SEYS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seys to Mr. Seward.

No. 40.]

LEGATION OF THE UNITED STATES,
Monrovia, January 8, 1868.

SIR: I have the honor to inform you that the inauguration of his excellency J. S. Payne, as President of the republic of Liberia, took place with very imposing ceremonies on the 6th instant in this city.

A large and commodious platform, encircled and canopied with the flags of the different nations having treaties with Liberia, was erected in the public square, and on it were seated the retiring President, newly elected President, and such of his intended cabinet as had already been selected, all the members of the diplomatic corps, both houses of the legislature, the mayor and city council of Monrovia, and the members of the judiciary department.

The Vice-President, J. T. Gibson, of Cape Palmos, had not arrived, and could not with the President be sworn into office at the same time.

President Payne's inaugural was of the first character, and was received by the surrounding multitudes with enthusiastic applause. So soon as it is published I shall see that copies are sent to the department, as well as the very superior message of Ex-President Warner at the opening of the legislature, which document is now going through the press.

The representatives of foreign powers having met the day before, unanimously resolved that the United States minister should be the medium of congratulation on their behalf.

I have the honor to inclose a copy of the few remarks made on the occasion, just at the termination of the inaugural address.

The honorable J. N. Lewis, for many years secretary of state, has been nominated, confirmed by the senate, and has accepted that office again.

The honorable H. W. Dennis as secretary of the treasury, and W. M. Davis, esq., as attorney general, are talked of.

I shall keep the department advised of all public movements, and have the honor to be, sir, with the utmost respect, your most obedient servant,

JOHN SEYS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Address to his excellency James S. Payne, President of the republic of Liberia, on the occasion of his inauguration, January 6, 1868.

MR. PRESIDENT: Having been duly accredited during the past year, near the seat of this government, as "United States minister resident and consul general," permit me to indulge the hope that the same uniform courtesy and favor which I have met with at the hands of your most worthy predecessor will be accorded to me by your excellency, and that the harmonious and friendly relations which have hitherto existed between the two republics may be perpetuated during your excellency's administration.

Mr. President, for myself and in behalf of these honorable and duly accredited representatives of foreign powers, my respected associates of the diplomatic corps, permit me to congratulate your excellency on the great event of this day, your excellency's inauguration as President of the republic of Liberia, and to express our fervent wish that your excellency's administration may be one of great peace to yourself, increasing amity and comity with the Christian nations of the world, and abundant prosperity to the republic of Liberia.

Mr. Seys to Mr. Seward.

No. 45.]

LEGATION OF THE UNITED STATES,
Monrovia, January 24, 1868.

SIR: I have the honor to inclose herewith a copy of a resolution passed by the senate of the republic of Liberia, appointing a day and hour for my official visit to that body; the president of the senate's welcome to me; my address to him and the members of the senate, and the speech of honorable Mr. Roberts, member from Senoe county, on the occasion.

I have the honor to be, sir, with high respect, your most obedient servant.

JOHN SEYS.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Beams to Mr. Seys.

SENATE CHAMBER, *January 15, 1868.*

SIR: I have the honor, by the direction of the senate, to forward your excellency the following resolution, which was adopted by the senate to-day:

"Resolved by the senate, That his excellency the minister resident and consul general of the United States of America, near the seat of government of this republic, be informed that the senate will be pleased to receive his official visit on Friday, the 17th instant, at 12 o'clock m."

I have the honor to be, sir, your obedient servant,

DANIEL J. BEAMS,
Secretary of the Senate.

His Excellency JOHN SEYS,
Minister Resident and Consul General.

MR. SEYS:

SIR: I have the great honor, as president of the senate of the republic of Liberia, to welcome your excellency the United States minister and consul general to the republic of Liberia to this the senate chamber of Liberia; and hope, as during the past year so in time to come, that your residence near the seat of government of this republic may serve to perpetuate the friendly relations now existing between the republic of the United States and the republic of Liberia.

ADDRESS TO THE SENATE.

Mr. President and members of the senate of the republic of Liberia :

This is to me an hour of no ordinary interest, an event of no common occurrence. Occupying as I do a position in which, however imperfectly, I yet represent one of the greatest republics on which the sun ever shone, or about which the historian ever wrote, a grade of office, too, because the more elevated, therefore the more responsible, than any which has preceded me. I cannot from such a standpoint witness the doings of this sister republic without deep, strong, anxious wishes for her continued growth and prosperity as a nation.

In this honor conferred upon me, accredited near the seat of this government, and to-day permitted to officially appear before this honorable body, to whose wisdom and ability so many momentous interests are committed, I feel the privilege I enjoy to be an enviable one, the more especially as I see causes for congratulation to which, as a true and ardent lover of a republican form of government, I cannot refrain from alluding.

Permit me then to congratulate the senate of Liberia in that, after those commotions and agitations which are inseparable from a form of human government where "majesty is in the people," such an auspicious calm should have succeeded; such perfect enthusiasm as was manifested in the ushering in of the new administration; such magnanimity as was displayed by those whose wills succumbed to the popular will.

In these events we see the nucleus of a future nation of indestructible material, a government of lasting and enduring perpetuity, because it exists in the consent of the governed.

Another high source of congratulation is the most timely, wise, and admirable combination of measures emanating from the executive, recommended to the legislative branch of this government, and taken hold of with such promptitude, and acted upon with such perfect confidence, that the good of the masses, the welfare of the people is the grand object of the executive, and not the prosperity of any party, any favored class or aristocratic clique in high places.

When those two branches of a form of government like this, the executive and the legislative, thus harmonize and co-operate for a nation's good, the nation must prosper.

When distrust, misapprehension, and discord creep in and alienate the one from the other, the seeds of disunion are soon sown, and germinate with a fearfully progressive tendency to disruption and ruin.

Permit me, Mr. President and members of the senate, to assure you that I take a peculiar pleasure in keeping the government I represent advised of every important event in your history. While I am speaking here this day, enjoying the honor conferred upon me, the Secretary of State of the United States of America is perusing the intelligence conveyed by the December mail from the United States office of legation in Monrovia, that James S. Payne was duly announced by the house of representatives of this government as the people's choice, and constitutionally elected President of the republic of Liberia.

And I assure you, gentlemen, that any measure which I can deservy in the distance as conducive to the perpetuation of those happy relations which now exist between the two governments, any measure which I can, by proper presentation to my country, conclude will subserve the interests of Liberia, I shall not fail most cordially to embrace and as promptly to advocate.

Mr. President and members of the Senate :

This is a day unparalleled in the history of this republic. We have displayed on the one side of the president of the senate the star-spangled banner of America, and on the other side our national pride, the brilliant lone star of this republic.

On the right side of his excellency the president of the senate, we are favored with the presence of the right honorable John Seys, consul general of the United States of America, and minister resident in this republic.

This, Mr. President, and other considerations, render this an auspicious day to the senate of Liberia; and, while we feel flattered by the noble sentiments of our illustrious guest, expressive of those emotions of joy which he realizes in visiting this hall, I cannot allow this moment to pass without expressing the sentiment of our nation.

Hon. JOHN SEYS :

SIR: Providence has so arranged that you have been appointed minister resident to this republic by that magnanimous nation which you have the distinguished honor to represent; and be you assured, sir, that our interest in your nation generated in consequence of your unrelenting zeal for the promotion and perpetuation of that feeling of friendship and commercial intercourse between this and your nation is of parallel

growth with this republic. May your residence in this republic continue to prove a blessing to us as well as highly promotive to your health and happiness. We thank God that you are minister resident here. We are happy to have you visit the senate of the republic of Liberia.

Mr. Seys to Mr. Seward.

No. 47.]

LEGATION OF THE UNITED STATES,
Monrovia, February 8, 1868.

SIR: I have the honor to inform you that the members of the cabinet of the republic of Liberia have been appointed by his excellency President Payne, and all, except in one instance, duly confirmed by the senate. They are—

Hon. J. N. Lewis, secretary of state.

Hon. D. A. Beams, secretary of treasury.

Hon. W. M. Davis, attorney general.

Hon. J. Evans, postmaster general.

H. W. Dennis, esq., formerly speaker of the house of representatives, having declined the offer of secretary of the treasury, Mr. Beams, late clerk of the senate was nominated and appointed by President Payne, but not in time for the confirmation of that body previous to its adjournment.

I have the honor to be, sir, with the highest respect, your most obedient servant,

JOHN SEYS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

MEXICO.

Mr. Plumb to Mr. Seward.

No. 43.]

LEGATION OF THE UNITED STATES,
City of Mexico, December 9, 1867.

SIR: The time fixed for the assembling of the national congress of Mexico, in the decree calling the late election, was the 20th of November.

On that day one hundred and four members, out of the full number of two hundred and seven, were present, and what are here termed the preparatory meetings, then commenced.

These meetings continued until the 4th instant, one hundred and ten members being then present, when the examination of the credentials of the members, which is here a preliminary act, and the organization of congress was declared effected, and Sunday, the 8th instant, was fixed for the formal opening, in the presence of the President of the republic, of the regular sessions.

The ceremony of this formal opening, therefore, yesterday took place, and I have now the honor to transmit herewith a copy of the "Diario Oficial," containing the speech of President Juarez, and the reply of the president of congress, Mr. Ezequiel Montes, delivered on that occasion.

The importance of these discourses, under all of the circumstances, and the character of certain positions taken in both, lead me to refrain from any comment thereon.

I am, sir, very respectfully, your obedient servant,

E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Translation.]

Address of President Juarez to the Mexican Congress, convened on the 8th of December, 1867, in the city of Mexico.

CITIZEN DEPUTIES: On the 31st of May, 1863, I addressed the people's delegates, and congratulated them on the promptness and energy of the true children of the republic in their resistance to foreign intervention. The national representatives having once more assembled, I now felicitate them upon the just triumph of the republican cause.

By their courage, loyalty and patriotism, the Mexican people have preserved their independence and their beloved institutions. The foreign partisans of monarchy vainly attempted to overthrow the government of our precious republic. But the whole people arose in unanimity against the usurpers, and the foreigners had to vanish, leaving the republic stronger at home and more respected abroad.

The children of the country, who showed themselves great in the mighty struggle for liberty, have shown themselves magnanimous in generosity, since their final victory: as they recovered places occupied by the enemy, they gave protection to all, without distinction of nationality, even to their conquered enemies.

The government believes it interprets the generous feelings of all true republicans by conning the severest penalty of the law to the chief of the insurgents, who is a foreigner, and to a few natives who took the most active part against us. Present justice, for the sake of future peace, demanded the execution at Queretaro, to put an end to internal convulsions and soften the calamities brought upon the country by the

most sanguinary war. The necessity of an example, by applying the extreme penalty of the law to the most guilty, allowed the use of greater clemency towards the many culpable. The republic has pardoned her wicked children, as much as she could, and has extended lenity to the invaders of her soil from abroad, who came to ensanguine the earth, and spread ruin and desolation in every quarter.

The slanderers of the republic have seen law and order restored, as the invaders were driven out; and with the return of liberty, the inhabitants begin to enjoy the blessings of good government.

The influence of the national government being now felt throughout the land, the duties of administrative officials are gradually resuming their wonted course. The laws are administered in the spirit of our institutions; federal affairs being first in rank, then state concerns.

In compliance with its most sacred duty, the government has ordered a general election, both for the national congress and for the States, to take place as soon as possible. The fullest liberty is allowed by the government in all these elections; there is no trammel put upon word or writ.

Orders have been issued for the organization of courts of justice and the just administration of the laws. With the intention of serving individual interests, the decisions of judges who had no authority under the usurper have been confirmed.

Institutions of learning and charity have been attended to, with the solicitude that such important things deserve.

The government has granted protection and all possible privileges to enterprises that might be useful to commerce, manufactures, and other sources of public wealth.

Besides regulating financial affairs, and attending to the public debt, with a due regard to economy, avoiding the old system so ruinous to public credit, the government has duly attended to the civil list and redeemed many of its bonds.

The army has been reduced to a peace footing, and as those soldiers and officers who served against the foreigners have chiefly been retained, they will surely be the true defenders of liberty and law.

So far as its revenue would allow, the government has paid off those of its faithful servants who have returned to their families and their domestic duties; and pensions and honors have been awarded to those who have particularly deserved such a testimony of national gratitude.

The consequence of European intervention in favor of monarchy is, that Mexico now has friendly relations only with the republics of America, having similar institutions. During our struggle, those republics evinced their sympathies for the cause of independence and the liberty of Mexico.

The people and governments of some of the South American republics exhibited special demonstrations of friendship for the cause of Mexico and its government. Bolivia recently sent a special envoy to felicitate the republic on its triumph.

The United States of America continued their friendship for us during the whole period of our long and bitter struggle. The constant sympathy of the people of the United States, and the moral support given by their government to our cause, justly deserve the sympathy and regard of the people and government of Mexico.

The intervention broke up our relations with the European powers. By a convention in London, three of them declared war against the republic. Two of them soon withdrew, and France was left alone, as actively hostile to us. The others, however, soon recognized the monarchy established by the French, and thus became our moral enemies because they did not declare neutrality. In that manner many of the European governments violated their treaties with the republic, and broke off their friendly relations with us.

The conduct of the government of this republic towards those nations must be regulated by those discourteous acts. We asked nothing of them, and we have been careful not to give them cause of offense; and even now we offer them an occasion to renew their treaties with us for the general benefit of commerce.

The government has also taken care that the subjects of those nations, residing in this republic, shall be protected by its laws, and justly dealt with by its officials; and the protection has been such that we hear of no cause of complaint. Thus it is practically demonstrated that the enlightened principles of our institutions and the civilization of our people offer foreigners in Mexico all the security its own people enjoy, without the necessity of special treaties.

Public opinion has lately been occupied by the proposals of sundry amendments to the constitution, made in the convention of the 14th of August last. No objection has been made to the proposed amendments, but the manner in which they should be made is warmly discussed. Though many failed to vote on the proposed reforms, the majority favored them. The opinion of the government was freely expressed in the convention. Its express conviction was, that amendments, in ordinary times, should only be made in accordance with the provisions of the constitution itself, and that the present appeal to the people by proclamation should not serve as a precedent in future, under any circumstances; yet the government considers proper at this time, owing to the grievous trials through which the republic has just passed.

The result of the vote is not exactly known, but so many votes have been cast for the proposed reform that the question ought to be taken into due consideration. The government thinks it would not be proper to call another election because of the delay it would give to necessary reforms, and it suggests that the decision of the subject be left to the present congress.

By the law of the 27th of May, 1863, the power of the chief executive was continued for thirty days after the meeting of congress, or it was to end as soon as the war with France was concluded. Mexico could not say when the war was at an end, although hostilities had ceased, for France had brought on the war, and had not announced its close.

Thus, according to law, the presidential term of office must continue for thirty days from this date; yet I think it best to declare, as I now solemnly do, that I will not claim this continuation of my executive powers. If any emergency should arise requiring additional support to the government, I am sure the patriotic representatives of the people will render that aid and assistance by adopting measures dictated by their acknowledged prudence and profound wisdom.

I am pleased, citizen deputies, to return to you the plenary powers you had the confidence to bestow upon me in my very responsible position. If I have erred in the use of them, I ask your forgiveness, with the excuse that in all my acts my only motive has been the good of the nation and the salvation of our beloved country.

Article 2 of the above-mentioned law limits the power of concluding treaties. In view of this, the government has carefully refrained from compromising the republic by any treaty, convention, or engagement with any other nation.

In conclusion, I beg you, citizen deputies, to accept my best wishes for complete harmony in your deliberations, and my hope that your enlightenment and patriotism may be a blessing to the republic.

Reply of Speaker Montez to the foregoing address.

CITIZEN PRESIDENT: The nation this day resumes the constitutional exercise of one of the most precious attributes of its sovereignty—the power of legislating through its representatives. This blessing is due to the heroic constancy of her brave sons in the glorious contest, of five years' duration, against the foreign invaders, and to the justice of that greatest of modern nations and best friend of Mexico, the United States of America. Yes, in the United States they are continuing a work worthy of the great father of American independence, the founder of republicanism on the continent of Columbus—the venerable and immortal Washington. The republic of Mexico will always reckon among its best friends the statesmen that directed the American policy during the period of our crisis. The principle of non-intervention, faithfully observed by the oldest of the republics of this continent, the only ally of Mexico, has proved the salvation of our country.

A prince from one of the most civilized, powerful, and war-like nations of Europe resolved to destroy the Mexican republic and elevate a throne upon its ruins. To do this, he used the most flagitious means—violation of public faith and the assassination of prisoners of war. The preliminaries of Soledad, on the 19th of February; the note of the French commissioners of the 9th of April, 1862; the return of the French army to Orizaba on the 20th of the same month, without surrendering Paso Ancho; and the circular of Marshal Bazaine of the 9th October, 1865, will be lasting monuments of our justice and of the perfidy of our enemies. Yet the republic is alive; and on to-day, as on the 12th of April, 1862, it says to the world, *friendly Frenchmen residing in the country are protected by the laws and by the Mexican authorities.* (See the law of the 12th of April, 1862.)

It would be unjust to blame the French for the act of their chief. The independent press and free tribunals have done us justice; the impartial speeches of Berryer, Picard, Thiers, and Jules Favre, are evidences of a rational policy that will acknowledge our rights and give satisfaction for our wrongs.

It is pleasant to know that the government has cultivated the friendly relations that existed between Mexico and the United States, and it is no less gratifying to learn that all our sister republics of South America have offered us constant evidences of sympathy in the days of our misfortune, and now seek to renew friendly relations with our republic.

Mexico will not refuse her friendship and commerce to any nation on the globe, but Mexico will not beg diplomatic intercourse with any nation in existence; she has demonstrated to the world that she can defend her sovereign rights against the most powerful enemy, and will beg no foreign government to acknowledge her existence as an independent nation.

The internal affairs of the republic are not yet perfectly arranged, but organization has advanced as rapidly as could be expected. The cities of Puebla, Queretaro, Merida,

Mexico, and Vera Cruz have returned to the legitimate government, and have been occupied by the republican army, after long and tedious sieges. An army of only sixty thousand men has preserved peace in the republic for the last six months.

It is not strange that we hear of some outrages that the government has not been able to suppress; but now that its authority is acknowledged in every part of the national territory, security of person and property will soon be felt in every portion of the country. The executive may depend upon the support of congress in securing protection to persons and property. In order to assure peace, it was the painful necessity of the government to be more severe in June than it has been since that time; but the Latin maxim, *salus populi suprema lex est*, must not be forgotten. The usurper gave frequent proofs of his contempt for the people's will, in the formation of their government. He well knew that not one of them favored intervention. He subjected them by the bayonet, and knew they would return to the republic as soon as the French troops were withdrawn; and yet he persisted in styling himself the Emperor of Mexico. So long, therefore, as he lived, the republic could not be tranquil; the sacrifice of his life was our peace. The assassinations at Tacubaya, in 1859, demanded the execution of those who perished with the chief of the rebels.

Five months have not passed since the government returned to the capital, and yet its constitutional authorities are established in many states. To-day the national congress opens the first term of its regular sessions, and the two other departments of the general government will soon be organized and put in complete operation. The diligent solicitude of the government to restore constitutional order is very apparent.

Relieved from the cares of war, the government can now devote its whole attention to the different branches of the public service. The administration of justice, reforms in the army, and in the collection of the revenue have already been considered by proper laws and regulations; and it is a satisfaction to know that the treasury notes have a ready circulation, thus removing one of the chief causes of public calamity.

The sovereignty of Mexico is exercised by its people through the general government, so far as the constitution allows. The President of the republic has the right to propose laws, and his proposals of reform are legal in the proposal; the legislator is to decide upon their acceptance.

Congress hears with pleasure that the chief executive restores the powers conferred upon him by the laws of the 11th of December, 1861; 3d of May and 27th of October, 1862; and 27th of May, 1863; for it is declaring to the monarchs of Europe who have calumniated our government, that this republic can maintain its sovereignty in peace. Where, in Europe, do we hear of a sovereign deposing his powers into the hands of the people, from whom they ought to be derived?

I am sure the executive power will attend to the duties with which he was charged by the laws of the 27th of October, 1862, and the 27th of May, 1863, and that he will render to congress a just account of what he has done, in conformity with the provisions of those acts; after that the legislative power will determine what extra recompense shall be awarded to the national army for its courage in this second war of independence; and I believe I give a faithful interpretation of the sentiments of congress when I say it is pleased with the conduct of General Garcia, Riva Palacio, Regules, Corona, Escobedo, and Porfirio Diaz, who never despaired of the salvation of the republic, but continued to struggle against the invader and his allies; and at this time they are examples of fidelity to our free institutions and models of obedience to the President of this republic. They have perfectly understood, just as congress understands, that obedience to the laws and the preservation of public peace ought to be the constant care and anxious solicitude of all public functionaries.

The convention of 1857 called the blessing of God upon the constitution about to be formed at that time, and which fundamental code yet directs us in our rule; let us once more invoke a Divine blessing upon the recommencement of our constitutional labors. May the Almighty Creator and Preserver of the human race, He who directs legislators in the just ways of government, condescend to hear your prayers and ours, and guide us in our deliberations, so that all our acts may be for the good of the republic.

As true representatives of the people we are assembled to promote, sincerely and ardently, the consolidation of public peace, pledged to a faithful observance of the laws and respect to property and persons, and, above all, to the preservation of the sovereignty and independence of Mexico.

Mr. Plumb to Mr. Seward.

No. 44.]

LEGATION OF THE UNITED STATES,
City of Mexico, December 12, 1867.

SIR: In dispatch No. 32, of the 9th ultimo, I called the attention of

the department to a decree recently issued by this government establishing what is termed a protective duty upon foreign flour.

I also mentioned that the duty so established consisted of a specific duty, fixed according to the value of flour in the United States and of certain "additional duties," charged under that name, upon the amount of the direct duties imposed.

As this system of additional duties is one probably not well understood in the United States, and as it is a system which the decrees herein referred to give reason to apprehend it is the intention of this government to adhere to, some remarks regarding it may not be out of place.

The tariff of 1856, which, as I stated in the dispatch referred to, is, in general, still in force, established certain direct duties upon all foreign effects, as specified in the schedule named therein, imported into the republic.

These duties were made payable, one-half in forty days, and one-half in eighty days, counting from the day following the conclusion of the discharge of the vessel. Of each payment, one-half was to be made at the ports, and the other at the capital of the republic.

In addition to the foregoing direct duties, there were established what were termed "additional duties." These were five in number, and were as follows:

1. A municipal duty of twelve and one-half cents upon each package of two hundred pounds, to be collected by the maritime custom-houses and kept in a separate account, and designed for the use of the municipalities of the ports, as might be directed by the government.

2. A duty of public improvements of twenty per cent. upon the amount of the duties of importation, to be applied to the payment of interest upon capital raised for the construction of railroads, as might be specially assigned by the government.

3. A duty of internacion, or inland duty, consisting of ten per cent. upon the amount of the duties of importation, and to be paid on the departure of effects from the ports or frontier custom-houses for places in the interior.

4. A duty of counter register, consisting of twenty per cent. upon the amount of the duties of importation, and payable upon the arrival of effects at the capital or principal point of destination in the interior.

5. A duty of amortizacion, or sinking fund of the public debt, consisting of twenty-five per cent. upon the amount of the duties of importation, and payable at the general treasury of the nation in bonds of the public debt.

There was also imposed, by article five of the same tariff, upon all effects embraced in the free list, (which includes coal, quicksilver, railroad iron, machinery, salt, &c.) a municipal duty of twenty-five cents on every two hundred pounds weight of such effects, payable one-half at the ports, and one-half at the place of final destination in the interior.

Since that period these several and numerous additional duties have been varied from time to time, and either changed in character or the total amount increased or diminished by various special decrees. This has been done to such an extent that the merchants, and even the government officials, are often in doubt as to what is the total amount of the duties actually in force. This fact is well illustrated by the circumstance that, when writing the dispatch to which I referred at the opening of this communication, I applied to the chief officer of the section in the treasury department from which the decree in question had emanated, to learn what the total amount of the additional duties now in force actually was, and after sending specially to

the custom-house to have a liquidation made, being in doubt himself, he informed me by note that the amount was sixty-eight and one-half per cent., and I so made the calculations given in that dispatch. Yet, a few days afterwards, and when my communication had already gone, I received another note from the same gentleman advising me that a mistake had been made, and that, as the duty of counter register had been augmented by a federal contribution of five per cent., the additional duties now amounted to seventy-three and one-half per cent., instead of sixty-eight and one-half per cent., as he had before informed me.

The calculations I made in dispatch No. 32 are, therefore, too low by five per cent. Since the date of that dispatch, also, the additional duties have been still further modified by three several decrees upon subjects not directly pertinent to the tariff, which have been issued by this government.

One is a decree, issued under date of the 19th ultimo, which, while it establishes a much-needed reform in the abolition of the old Spanish system of tolls on all the highways of the republic, yet perpetuates the system of additional duties, and of treating subjects pertaining exclusively to the tariff in special decrees having no direct connection therewith, by imposing, to supply the place of the revenue from tolls abolished, a new duty upon all foreign effects introduced by the maritime or frontier custom-houses of the republic of one dollar for every two hundred pounds weight of such effects; and this duty is to be applied also to such articles as machinery, agricultural implements, &c., that have heretofore been free of duty, except the twenty-five cents per two hundred pounds before mentioned, as imposed by article five of the tariff.

This new decree, therefore, increases the duty upon flour from the United States by a further amount of \$1 per barrel, which is to take effect from the 1st of January next.

The second decree to which I refer as affecting the existing tariff rates is the concession revalidating the rights of the railroad company from this city to Vera Cruz, which appeared under date of the 27th ultimo, and is issued in the form of a general law.

By this decree the additional duty of public improvements, of twenty per cent., is to be payable hereafter, not in money, as heretofore, but in a public paper which is to be emitted for that purpose by the department of Fomento, and is to be sold by agents of the railroad company in all the ports and in the capital of the republic, to a sufficient extent to secure to the company the receipt of an annual subvention of \$560,000 for twenty five years. The merchants, therefore, will now have to buy this paper before they can make the settlement of their duties.

By article 40 of the same decree there is also a further provision made by which, until the 31st of December, 1871, or an earlier period if the railroad is sooner completed, the duty of *amortizacion* (sinking fund) of the public debt is reduced from twenty-five per cent. to fifteen per cent., and is made payable, not in bonds of the public debt, as heretofore, but in shares of stock in the railroad from this city to Vera Cruz. The foreign importer, therefore, before he can adjust this portion of his duties, has to search for and purchase shares of stock in a railroad company and to pay such percentage of his duties with said shares, rather than in bonds of the public debt or in money.

The duty of *amortizacion*, as heretofore payable in bonds of the public debt, really amounted to but some two and one-half per cent., for the bonds could be purchased at from seven to ten cents on the dollar, while, as now made payable, in the shares of the railroad company, it will amount to the full rate of fifteen per cent.

The third decree was issued under date of the 28th ultimo, and establishes a special tariff of duties, which are to be collected by the federal custom-house at this city for the benefit of the municipality. These duties, besides certain specific rates, as \$4 50 per barrel on cider, \$2 25 per barrel on vinegar, &c., consist of 40 cents on every two hundred pounds of foreign groceries and 75 cents per two hundred pounds on all other foreign effects, except machinery, which is to pay 20 cents per two hundred pounds. This decree, therefore, not only establishes a further additional duty, but appears to look to a continuance of the system of interior custom-houses.

It is easy to see that with this complicated system of different duties, and the changes that are so frequently made, and as, for instance, in the decree establishing the new rates of duties on foreign flour, sometimes without any previous notice, that commerce with this country must labor under very great disadvantages and uncertainties, and that the most beneficial part of trade—numerous shipments in small amounts—must be entirely shut out. If I find it difficult myself, when on the spot, to ascertain what the fixed amount of the duties that have to be paid actually is, how can a merchant or small shipper abroad, who thinks of making a venture to this country, make any calculation as to what he has got to pay, and whether the adventure will be desirable or not. On the contrary, the moment he comes to investigate what the charges will be he finds himself involved in an uncertainty so great that the idea of making a shipment to Mexico is at once abandoned. The result is seen in the fact that the foreign commerce now carried on remains in the hands of comparatively a few, who dedicate themselves, as to an intricate profession, to a study of the manner and means of getting merchandise from abroad into the interior of this country, and accessible to consumers.

As the liquidation of the duties has now to be effected part at the ports and part in the interior, merchandise is followed from the ports with custom-house passes and inspection, and, arriving in the interior, as at this place, has to undergo for the second time custom-house formalities, and again, for a third time, when passing from this point, or any other central market, to the interior states.

A merchant in this city, desiring to send goods from his own warehouse to a customer in the interior, has to go through all the custom-house formalities attending the shipment of goods to a foreign country. These trammels, while embarrassing and costly in the extreme to foreign commerce, also rest a heavy burden upon the consumption of the country, by which, in the end, all charges have to be borne.

Since commencing to write this communication, I addressed a note to the chief clerk of the treasury department, asking him for a statement of the present number and denomination, as well as amount, of the different additional duties now in force, and have received from him a reply, in which he incloses to me the following list as showing the various duties that have now to be paid upon foreign merchandise imported into the republic, viz :

1st. Important duties according to the tariff.

2d. *Internacion*, or inland duty, ten per cent. upon the foregoing.

3d. Public improvements, twenty per cent. upon the same.

4th. Railroad, fifteen per cent. upon the same.

5th. Counter register, twenty per cent. upon the same.

6th. Municipal, for Vera Cruz and Tampico, three and one-half per cent. upon the same.

7th. Municipal, at the other custom-houses, twelve and one-half cents per package, and the other duties annexed to this as beneficencia, hospital, &c.

8th. Federal contribution of twenty-five per cent. upon the duty of counter-register.

This statement should be considered as final and conclusive, as it emanates from the chief clerk of the treasury department, but it does not include two local duties of eight per cent. and of twelve per cent. made by the summing up of several local charges, which I am informed merchandise arriving in this city has to pay before it can reach the warehouse of the merchant and pass thence to customers in the interior. The total of the additional duties upon merchandise coming to this city would therefore appear to be ninety-three and one-half per cent. upon the amount of the duties of importation.

In order that commerce with this country may be placed upon that footing of liberality which it may properly claim, it is very evident that some reforms in the Mexican customs system which will unify and simplify it, and render it everywhere equally applicable throughout the republic, are vitally necessary, and without such changes it would appear to be very difficult for a healthy or enlarged commerce to be established. Such modifications would unquestionably be as much for the benefit of Mexican consumers as of foreign shippers, inasmuch as by generalizing and simplifying commercial intercourse trade is not only increased but consumers are supplied at lower rates; while at the same time the national revenue of the country, which so encourages commerce, is largely augmented over the amount realized while pursuing the opposite policy.

The first necessity, in my judgment, for the increase of commercial intercourse with this country, now that a period of peace has arrived, is the simplification and unification of its customs regulations. It is not so much what rate of duties may be imposed, for this burden will fall eventually upon the consumer, as it is that the duties should be fixed in one precise sum, be everywhere equally applicable, and that the liquidation be made once for all at the port or frontier custom-house of entry, and merchandise then be allowed to move freely into the interior of the republic, instead of being followed by passes and permits, and custom-house inspection, as now.

The moment when commerce between the United States and this country should be built up appears to have arrived; but unless the Mexican government can be induced to adopt some such changes in its customs regulations as those that have been indicated, the existing trammels are so vexatious and the embarrassments so numerous, that there would appear to be great danger that they will constitute an almost impassable barrier to any extensive or satisfactory commercial intercourse.

This must be evident, I think, from the analysis of certain features of the present regulations that I have made in this communication.

What the amount of duty to be paid shall be is a question that every country has a right to adjust according to the exigencies of its financial position, under a wise regard, it is to be trusted, as to what rates will prove most beneficial in all respects; but it is surely a proper subject of friendly international solicitude that unnecessary formalities not sanctioned by the commercial customs of the present day shall be removed and legitimate commercial intercourse be facilitated.

Certainly our immediate neighborhood and a common commercial interest, that should tend to strengthen the ties of peace between the two countries, makes this subject one of interest to the people of the United States.

I have the honor to be, very respectfully, your obedient servant,
E. L. PLUMB.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Plumb to Mr. Seward.

No. 45.]

LEGATION OF THE UNITED STATES,
City of Mexico, December 12, 1867.

SIR: As all measures adopted by this government initiating valuable reforms will undoubtedly be viewed with interest by the department, and as it is my duty to communicate such new laws as affect in any way our commerce with this country, I transmit herewith copy and translation of a decree issued under date of the 19th ultimo, which is of some importance in both particulars.

The object of the decree is the abolition of the system of national tolls upon all the highways of the republic, which has been continued in existence from the time of the vice-royalty. These tolls, from their excessive amount and the vexations of their collection, and latterly the state of abandonment into which the roads have fallen, have become a heavy burden upon the industrial movement of the country, and their suppression, which is to go into effect on the 1st of February of the coming year, will be hailed with great satisfaction.

The theory of the decree is twofold: first, the entire removal of the system of tolls; and, secondly, the providing of some other means of raising the funds necessary for the construction and preservation of the public roads.

For this latter purpose provision is made from four sources, viz:

1st. A tax of fifty cents per thousand on the value of all rural property.

2d. A tax of fifty cents per thousand on the value of mills and manufactories.

3d. A tax upon stages used for the conveyance of passengers of one cent per kilometer for the distance run.

4th. A duty of one dollar for every two hundred pounds weight upon all foreign effects introduced into the republic, special mention being made that this duty is to include machinery, agricultural implements, &c., that have heretofore been free.

A slight analysis will show where it is intended the burden of the future maintenance of the public highways of the republic shall rest.

The tax upon rural property, it will be seen, is so low that a farm of the value of ten thousand dollars, and which perhaps is now without the means of communication, will have to pay for this object of such vital importance for the disposition of its products, only the sum of five dollars per annum; and a mill or manufactory of the value of one hundred thousand dollars will pay but fifty dollars per annum.

But upon foreign commerce the duty which is now laid for this purpose, in addition to those previously existing, amounts to ten dollars upon every ton of merchandise or of machinery, and to a dollar per barrel upon flour, and so a dollar for every two hundred pounds weight of all foreign effects introduced into the republic.

The purpose of the decree in this respect is not left in doubt, for in the preamble the unsound principle is asserted that it is foreign commerce that makes the most use of the roads, and it is stated, therefore that commerce should chiefly furnish the funds for their construction and repair.

While ready to applaud all measures of practical reform, the interests of our commerce with this country compel me to call your attention to this feature of the present decree.

I have the honor to be, very respectfully, your obedient servant,
E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Translation.]

DEPARTMENT OF FOMENTO, COLONIZATION, INDUSTRY, AND COMMERCE.—SECTION 3.

The citizen President of the republic has addressed to me the following decree:

Benito Juarez, constitutional President of the United Mexican States, to the inhabitants of the same, be it known, that—

Considering that the impost known under the name of “peajes,” (tolls on the public highways,) is the cause, to those who are subject to it, of detention and injury, which weighs particularly on the poorer class of the population;

Considering that it is desirable to adjust, as early as possible, the collection of taxes in such a manner as to facilitate the future establishment of the complete liberty of interior commerce;

Considering, finally, that the effects which, by this law, are to be taxed, are those which really make the most use of the roads, and should, therefore, supply the means for their repair;

I have thought proper, in use of the faculties with which I am invested, to decree as follows:

ARTICLE 1. The tax known under the name of “peajes,” (road tolls,) is abolished in all the republic.

ARR. 2. To provide means for the opening and repairing of roads, the following taxes are established:

1. Fifty cents per annum per thousand on the value of rural property in the republic, payable every four months in advance.

2. Fifty cents per annum per thousand on the value of all manufactories and mills, payable also every four months in advance.

3. A duty of one dollar on every two hundred pounds upon all foreign effects introduced at the maritime or frontier custom-houses of the republic.

4. Enterprises of carriages for the transportation of passengers shall pay one cent for each kilometer of road over which their carriages run. This payment shall be made at the end of every month, computing the distance run by the number of trips each carriage has made during the month.

ARR. 3. The collection of the taxes imposed by this law on rural property, manufactories and mills, shall be made by the respective chief treasury officers, and in the federal district by the office of direct contributions.

ARR. 4. The collection of the duty upon foreign effects shall be made also upon machinery and other objects heretofore excepted from duty by law, and such exemption shall hereafter be enjoyed only by such objects as are included in the special privileges heretofore given, or that may hereafter be conceded. Such collection shall be made by the collectors of the maritime and frontier custom-houses, who shall place the funds so received at the disposal of the department of fomento, without the right, in any case, of diverting them from the use to which they are destined.

ARR. 5. The department of fomento is authorized to change, when it shall be deemed necessary, the manner of collecting the imposts herein referred to.

ARR. 6. The product of these imposts shall remain exclusively destined to the construction of the roads.

ARR. 7. The imposts established by this law shall commence to be collected from the 1st of January, 1868.

Transitory article.—In order that the department of fomento shall not be without the necessary funds for the repairing of the roads, the collection of the tolls heretofore established shall continue until the last day of January, 1868.

Wherefore, I order that the same be printed, published, and circulated, and that due compliance be given to it.

Palace of the national government in Mexico, the 19th of November, 1867.

BENITO JUAREZ.

To the citizen BLAS BALCARCEL,

Minister of Fomento, Colonization, Industry, and Commerce.

And I communicate the same to you for your intelligence and the consequent ends. Independence and liberty! Mexico, November 19, 1867.

BALCARCEL.

Mr. Plumb to Mr. Seward.

No. 46.]

LEGATION OF THE UNITED STATES,
City of Mexico, December 12, 1867.

SIR: I have the honor to transmit herewith copy and translation of an important decree issued by this government, under date of the 27th ultimo, establishing the decimal system of coinage.

The monetary unit of the Mexican Republic, under this decree, is to remain as heretofore, the silver dollar, with the same fineness and weight that it now has.

The subdivisions of the dollar are to be coins of fifty cents, twenty-five cents, ten cents, and five cents. The coin of one cent is to be of copper, or an alloy of that metal. The gold coins are to be pieces of twenty dollars, ten dollars, five dollars, two dollars and fifty cents, and one dollar.

The weight, diameter, and fineness of the coins is established according to the metrical decimal system, and after ninety days from the date of the publication of the decree, it is to be obligatory upon all assayers throughout the republic to mark the fineness of gold and silver in thousandths instead of the Spanish terms of "dineras," "quilates," and "granos," heretofore in use.

From the 15th of September, 1868, the circulation of money of the so-called imperial coinage, and of twelve and a half and six and a quarter cent pieces is to be abolished.

The early attention to so important a reform as that effected by this decree reflects great credit upon this government.

I am, sir, very respectfully, your obedient servant,

E. L. PLUMB.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

[Translation.]

DEPARTMENT OF FOMENTO, COLONIZATION, INDUSTRY, AND COMMERCE.—SECTION 1.

The citizen President of the republic has been pleased to address to me the following decree:

Benito Juarez, constitutional President of the United Mexican States, to the inhabitants of the same be it known: That in use of the ample faculties with which I am invested, and considering the necessity that exists of reforming the national coin, and of establishing a uniformity in the subdivisions of the same, for the benefit of all classes of our society, and the greater facility and simplicity of commercial transactions; considering that the simultaneous and authorized use of coin of the old system and of the decimal, besides being embarrassing, is contrary to the principles of administration generally accepted, and is also the cause of difficulties and of losses to the larger portion of citizens who form the laboring part of our population; considering that the copper money coined in the States, on account of the exceptional circumstances, does not fully meet the necessary conditions, and that its lack of uniformity restricts its circulation within very narrow limits, thus causing great inconvenience to the development of commerce; considering that the actual type of our coin is imperfect in its artistic part and is susceptible of the improvement and perfection that has been attained by the arts in our country; considering, finally, that the present is an opportune moment to put in practice the prescriptions of the law which determined the establishment of the decimal system in the republic, without making any essential alteration in the value of the monetary unit of Mexico, generally known and appreciated in the world, I have thought proper to decree as follows:

ARTICLE 1. The monetary unit of the Mexican Republic shall be as heretofore, the silver dollar with the same fineness and the same weight that it now has.

ART. 2. The silver dollar shall be divided into two pieces of fifty cents, four of twenty-five cents, ten of ten cents, and twenty of five cents. The one cent piece shall be of copper, or a special alloy in which said metal shall predominate.

ART. 3. The coinage of gold shall be pieces of twenty dollars, of ten dollars, of five dollars, of two dollars and fifty cents, and of one dollar.

ART. 4. The fineness of all coins of silver shall be 902 $\frac{1}{1000}$, (10 dineras 20 grains,) and of all coins of gold 875 thousandths, (21 carats.)

ART. 5. The dollar of silver shall weigh 27 grams 73 milligrams; that of the piece of fifty cents, 13 grams 536 milligrams; that of the piece of twenty-five cents, 6 grams 768 milligrams; that of the piece of ten cents, 2 grams 707 milligrams; that of the piece of five cents, 1 gram 353 milligrams. The weight of the gold coin of

twenty dollars shall be 33 grams 841 milligrams; that of the piece of ten dollars, 16 grams 920 milligrams; that of the piece of five dollars, 8 grams 460 milligrams; that of the piece of two dollars and fifty cents, 4 grams 230 milligrams; and that of the piece of one dollar, 1 gram 692 milligrams.

ART. 6. The diameter of the dollar of silver shall be 37 millimeters; that of the piece of fifty cents, 30 millimeters; that of the piece of twenty-five cents, 25 millimeters; that of the piece of ten cents, 17 millimeters; that of the piece of five cents, 14 millimeters.

The diameter of the gold coins shall be adjusted according to the following dimensions: The piece of twenty dollars, 34 millimeters; the piece of ten dollars, 27 millimeters; the piece of five dollars, 22 millimeters; the piece of two dollars and fifty cents, 18 millimeters; the piece of one dollar, 15 millimeters. The piece of one cent will have 25 millimeters of diameter, if of copper, or 20 millimeters if made of a special alloy.

ART. 7. Each piece of money shall bear, clearly stamped upon it, its respective value; the initials of the name of the government assayer, the place and year of its coinage, and also marked upon it the fineness, when of silver or of gold.

ART. 8. The cent shall be made of copper or a special metallic compound in which copper shall predominate in such proportion as shall be fixed by the department of fomento.

ART. 9. The range or difference permitted in the fineness of the precious metals shall not exceed three thousandths for silver and two thousandths for gold; but this difference shall only be admitted in certain exceptional cases and not as a general rule, in the coinage.

ART. 10. Ninety days after the publication of this law in this capital, it will be obligatory upon all the assayers of the republic to mark in thousandths the fineness of silver and of gold, whether these metals are separated or mixed. The terms "dineras," "quelates," and "granos," heretofore used to designate the purity of said metals and their alloys, being abolished, the expression of the fineness will hereafter be carried to tens of thousandths.

ART. 11. In order that the preceding article shall be carried into full effect, the corresponding decimal weights shall be ordered to be made by the department of fomento, and shall be sent to all the assay offices and mints of the republic.

ART. 12. For the preparation of the new molds for the national coin, in conformity with the reforms now decreed, and in order to improve and perfect the actual type, a meeting shall be called of all the Mexican engravers, and of foreigners, in order that they may present their models, which shall be submitted to the decision of a special jury, appointed and presided over by the minister of fomento, under such regulations as shall be prescribed in the call therefor.

ART. 13. On the 15th of September, 1863, the circulation of the so-called imperial coins shall be abolished; as also that of the denominated "reales" and "medios," and such of the copper coin as is not in conformity with the new system. The department of hacienda is authorized to issue the necessary orders for the redemption of said coin.

Wherefore, I order that it be printed, published and circulated, in order that it may be duly complied with.

Palace of the national government in Mexico, the 27th of November, 1867.

BENITO JUAREZ.

To the Citizen BLAS BALCARCEL,
Minister of Fomento, Industry and Commerce.

And I communicate the same to you for your intelligence and the consequent ends. Independence and liberty! Mexico, November 28, 1867.

BALCARCEL.

Mr. Plumb to Mr. Seward.

No. 47.]

LEGATION OF THE UNITED STATES,
City of Mexico, December 13, 1867.

SIR: The importance to commerce with this country of the early completion of the railroad from Vera Cruz to this city, may render it proper that I should transmit to the department a copy of the decree issued by this government on the 27th ultimo, revalidating the rights of the company engaged in the construction of that work, which, it was alleged, had been impaired by dealings with the late so-called imperial authorities.

The commencement of the construction of this important work dates many years back, as in 1854, when I first visited this country, ten miles of the road, from Vera Cruz, had been completed by the government. In 1855, Santa Anna being then in power, a concession for the construction of the road was made to parties who soon after transferred their rights, with the consent of the government, to a Mexican capitalist, to whom, on the 31st of August, 1857, a new concession was made by the government of President Comonfort.

On the 5th of April, 1861, the rebellion of Zuloaga and Miramon having intervened, a new concession was made to the same party by the government of President Juarez, and the construction of the work was actively commenced. The intervention then occurred and the work was suspended.

In 1864 the grantee transferred his rights to a company formed in England. The concession containing a requirement that the consent of the government must be obtained to any transfer of the same, application was made for that purpose to the so-called Maximilian authorities, and in January, 1865, such approval was procured, and a new concession, modifying in some particulars the old, was accepted from the said so-called authorities by the parties interested.

Under this the work was resumed and prosecuted, until, at the termination of the intervention, forty-seven miles out from Vera Cruz, and eighty-six miles from this city, had been completed, and some considerable portion of the intermediate superstructure, leaving only one hundred and twenty-eight miles, or less than half of the distance from Vera Cruz to this capital to be completed.

Under these circumstances the parties interested have applied to this government for a new concession, or revalidation of the previous franchises, which has been obtained in the decree now issued. The terms of this decree are liberal in the extreme, but the measure has the greatest public importance in showing that capital invested in the vitally important work of railroad building in this country will be respected under all of the changes of government that can possibly occur.

Being without rivers this country must have railroads; its magnificent resources cannot be developed until such means of communication are provided, and no one necessity of the country is more palpable than this. It must be equally evident that nowhere can the enterprise, the energy and the capacity for their construction, be so properly or desirably looked for, as in the United States, where the achievements in this line, and the wonderful progress of our great national work to the Pacific, are extorting the admiration of the world.

I am, sir, very respectfully, your obedient servant,

E. L. PLUMB.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Plumb to Mr. Seward.

No. 48.]

LEGATION OF THE UNITED STATES,
City of Mexico, December 13, 1867.

SIR: I have the honor to transmit herewith a copy of the *Diario Oficial* of the 4th instant, containing a decree issued by this government, establishing what is termed a municipal fund for this city.

By the terms of this decree, it appears that the old system of interior custom-houses is to be perpetuated, as a distinct tariff upon national and foreign effects is established for this city, the duties under which are to be collected by the federal custom-house of this capital for the benefit of the municipality.

Besides the objectionable feature, also, of the further additional duty which this decree creates, the duties levied are very high, for after having paid the duty of importation and all the various additional duties that foreign effects are subjected to, for account of the federal government, before reaching this city, they have now to pay, simply as a municipal charge, fifty cents a case on wine, beer, and spirits; two dollars and twenty-five cents per barrel on vinegar; four dollars and a half per barrel on wine, ale, and cider; forty cents per two hundred pounds on foreign groceries, and seventy-five cents per two hundred pounds on all other foreign effects except machinery, which is to pay twenty cents on every two hundred pounds.

With these multiplied and successive charges, and the requirement of such repeated custom house formalities, it would appear as if commerce was regarded as an enemy to be watched, and mistrusted, and restricted, rather than as a welcome friend whose presence scatters only mutual benefits.

I am, sir, very respectfully, your obedient servant,

E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Plumb to Mr. Seward.

No. 49.]

LEGATION OF THE UNITED STATES,
City of Mexico, December 16, 1867.

SIR: Upon the return of the national government to this capital, in July last, it was understood, though not officially announced, that it would decline to hold any intercourse with the agents of the powers who had recognized the so-called government of Maximilian.

On the part of the diplomatic representatives of course no intercourse was attempted. Some of the consuls, however, held their exequaturs from a period dating very far back. This was the case with the British consul, Mr. Glennie, who was appointed on the 2d of November, 1853, and whose exequatur was issued by Santa Anna, who was then in power, on the 4th of February, 1854. Under this exequatur he had continued to exercise his functions as consul during all the different changes of government that had occurred.

In August last, however, the question being raised, in the case of an intestate estate in his charge, which was in court, as to whether he was now recognized as in the exercise of such functions, he addressed a note to Mr. Lerdo de Tejada, who replied that he was not so recognized, as this government had decided not to recognize any representatives of any power that had been in relations with the so-called government of Maximilian.

This correspondence was sent to England in September, and instructions have now been returned, which reached here on the 7th instant, for the withdrawal of the members of the late legation and the consul, together with the archives of the legation and the consulate.

When Mr. Scarlett, who was accredited as British minister to Maximilian, left this country in November of last year, Mr. Middleton, secretary of the legation, remained as chargé d'affaires.

In April of the present year, in common with the other members of the diplomatic corps accredited to Maximilian, he terminated relations with that so-called government. Since then he has remained here with the members of his legation, while all the other European representatives have left the country; and it seemed to be the expectation that at no distant period relations might be reopened between England and the government of the republic.

I am enabled to transmit to you, herewith, the correspondence that has taken place on this occasion between Mr. Middleton and Mr. Lerdo de Tejada, as also that between Mr. Glennie and Mr. Lerdo de Tejada, in August last.

I have the honor to be, very respectfully, your obedient servant,
E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Middleton to Señor Lerdo de Tejada.

MEXICO, December 8, 1867.

SIR: I have the honor to inform you that I was last night placed in possession of the instructions of her Majesty's government to request you to have the goodness to furnish with passports myself and all such persons as are engaged in the service of her Majesty's late legation here, and also for her Majesty's consul and his family, for the purpose of leaving this republic by the port of Vera Cruz.

I have also the honor to inclose herewith a list of the names of the persons for whom this favor is solicited.

With respect to the motives which have induced her Majesty's government to remove the several members of her Majesty's late legation, as well as those employed in her Majesty's late consulate in this capital, as well as all archives and government property appertaining to the same, from this country, I have the honor to inform you, sir, that I have been ordered to make the present application for passports for myself, as well as the persons referred to, in consequence of the decision of the Mexican government to hold no intercourse with the agents of powers who recognized the government of the Emperor Maximilian. I am, at the same time, desired, upon my departure, formally to place under the protection of the Mexican government the persons and properties of British subjects, and to call upon the Mexican government, in fulfillment of the duty for which all states are responsible, to secure from injury at the hands of the public authorities all British subjects residing in or passing through their country, and to extend to them, as long as they are within the country, and to their properties, full justice in all their dealings.

So soon as I am able to complete the arrangements for my departure, and for the transport of the archives of her Majesty's legation, it will be my duty, in conformity with my instructions, to apply to you, sir, for the necessary escort for enabling me to reach Vera Cruz in safety.

I have the honor to be, sir, with the highest consideration, your most obedient, humble servant,

R. T. C. MIDDLETON.

Señor Don SEBASTIAN LERDO DE TEJADA, &c., &c., &c.

Señor Lerdo de Tejada to Mr. Middleton.

[Translation.]

DEPARTMENT OF FOREIGN RELATIONS,
Mexico, December 11, 1867.

SIR: I have the honor to send you the passports requested for yourself and company, in your note of the 8th instant. You say the reasons for such instructions from the government of her Britannic Majesty are because of the resolutions of the Mexican

government not to have any communication with the agents of the powers that recognized the so-called government of the Archduke Maximilian.

The position of the government of Mexico, in relation to those powers, has been caused by no voluntary act of its chief; those powers decided to put an end to the friendly relations with the Mexican republic, by expelling it from the society of nations. The republic exists by the will of the Mexican people, and its government is ready to renew relations with all foreign powers, so soon as they will make proposals in just and proper terms.

The government will see that English subjects residing in Mexico are protected by the laws of the country. During the war there was no complaint in any part of the country subject to the authorities of the republic; and since the close of the foreign intervention the government has heard of no cause of complaint anywhere.

As it has always done, the government of the republic will comply with the precepts of the law of nations, and will see that its own laws are properly executed.

The escort you ask for will be furnished when you are ready to start.

With the greatest consideration, I have the honor to be your obedient servant,
S. LERDO DE TEJADA.

Mr. R. T. C. MIDDLETON, &c., &c., &c.

Mr. Glennie to Señor Lerdo de Tejada.

BRITISH CONSULATE, Mexico, August 27, 1867.

MR. MINISTER: By virtue of the commission granted me on the 2d of November, 1853, and its relative exequatur of the 4th of February, 1854, I have performed the duties of British consul since that time.

My son, Charles F. Glennie, was acting in my name when he was called by the courts of the country to take charge of the estate of Mr. Alexander Lafontaine, a British subject, deceased.

Again he was summoned in the same case by the judge of the sixth district, when I learned that the President of the republic refused to acknowledge me as British consul.

As it is my duty to protect my countrymen and attend to the estates of deceased and absent British subjects, in conformity with the laws of the republic, you will please inform me who is to discharge the duties of British consul in this city.

Your very obedient servant,

F. GLENNIE.

Mr. S. LERDO DE TEJADA,
Minister of Foreign Relations, &c., &c., &c.

Señor Lerdo de Tejada to Mr. Glennie.

[Translation.]

DEPARTMENT OF FOREIGN RELATIONS,
Mexico, August 30, 1867.

SIR: In your communication of the 27th instant, relating to the property of an intestate British subject, you ask if the government of the republic refuses to recognize you as British consul.

You are hereby informed that the judge in the case mentioned was ordered by the department of justice not to allow you to intervene as consul.

This was done because the government of the republic had determined to have no official intercourse with any agent of the governments abroad that had acknowledged the usurper of foreign intervention.

I am, respectfully, your very obedient servant,

S. LERDO DE TEJADA.

Mr. F. GLENNIE, &c., &c., &c., Mexico.

Mr. Plumb to Mr. Seward.

No. 52.]

LEGATION OF THE UNITED STATES,
City of Mexico, December 18, 1867.

SIR: I have received your dispatch No. 25, of the 26th ultimo, inclosing copy of a letter addressed to the department by Mr. E. J. More,

from Allentown, Pennsylvania, asking interposition in behalf of Captain Krauseneck, represented to have faithfully served in the Union army during our late war, and who was supposed to be in confinement at Guajuato, having been made prisoner at Queretaro while in the service of Maximilian.

By the terms of the general-amnesty order of the 31st of October last, a copy of which was transmitted to the department with my dispatch No. 28, of the 4th ultimo, all foreign officers held as prisoners on account of service under Maximilian had their sentences commuted to banishment from the country. Under this order all such officers, or nearly all, have already left. I presume Captain Krauseneck is among the number. I will endeavor to make inquiry concerning him, and will promptly communicate any information that I may obtain to the department.

I have the honor to be, very respectfully, your obedient servant,
E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Plumb to Mr. Seward.

No. 56.]

LEGATION OF THE UNITED STATES,
City of Mexico, December 26, 1867.

SIR: On the 19th instant the special committee of the Mexican congress, appointed to examine the votes of the electoral colleges for President of the republic and president of the supreme court, made their report, which was adopted.

Of the 10,380 votes cast by 180 electoral colleges for President, it is stated that 7,422 were given for Benito Juarez, 2,709 for Porfirio Diaz, 57 for Gonzalez Ortega, and the remainder (192) scattering.

A decree was, therefore, passed by congress declaring Benito Juarez constitutional President of the United Mexican States for the period terminating on the 30th of November, 1871, by reason of his having received an absolute majority of all the votes cast.

Of the 10,421 votes cast for president of the supreme court, (the Vice-President of the republic,) it is stated that 3,874 were cast for Sebastian Lerdo de Tejada, 2,541 for Porfirio Diaz, and the remainder (3,970) divided among a large number of other candidates. No candidate having an absolute majority of all the votes cast, the election fell to congress, and rested between the two candidates receiving the highest number of votes. The election then proceeded by states, twenty-three states voting by their delegations. Of these seventeen voted for Sebastian Lerdo de Tejada, and six for Porfirio Diaz.

A decree was thereupon passed by congress declaring Sebastian Lerdo de Tejada constitutional president of the supreme court of justice, by reason of his having obtained an absolute majority of the votes cast by the deputations of the states.

On the following day congress fixed the 25th instant as the day on which the president of the republic should take possession of his office under the new term of which he had been now declared to be elected.

Having received a formal invitation from the minister for foreign affairs, I was present at the ceremony of the inauguration, which took place yesterday in the hall of the national congress.

I have now the honor of inclosing herewith a copy of the *Diario Ofi-*

cial, containing the address of President Jaurez, and the reply of the presiding officer of congress, delivered on that occasion.

It will be observed that in neither of the above addresses is any allusion made to foreign affairs. The tone of the addresses is moderate and practical, and inspires hope for the preservation of constitutional order in the future.

Mexico has now conquered the establishment of a republican form of government. The constitution of 1857, subject to such changes as may be made, in the manner it prescribes, it is settled is to be the supreme law of the land. The separation of state and church has been effected. The vast property of the latter has been nationalized and passed into private ownership.

All the power of France and the pledges and obligations of Maximilian have proved insufficient to reverse this action.

The three years' rebellion of 1858 to 1861 having been put down, defeated faction appealed to its last resort, foreign intervention. That has succumbed to an eternal verdict, so far as Europe is concerned.

Permanent peace, therefore, appears now to be within Mexico's reach, if she will be just to her national obligations abroad, and the government at home will resolutely and promptly repress any local attempts that may be made to disturb the public order.

I have the honor to be, very respectfully, your obedient servant,

E. L. PLUMB.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

[Translation.]

Address of President Juarez.

CITIZEN DEPUTIES: The confidence of the people who have deigned to honor me with their votes imposes upon me new and sacred duties. With a loyal and patriotic determination to fulfill them, I have come to make before you the solemn protest prescribed by our fundamental code.

Scarcely had the conflict passed in which war had involved the republic, when it presented before the world the example of returning to enter upon the regular administration of its institutions. In order to proceed in conformity to those institutions, as well in the union as in the states, the people have freely made the election of all their public functionaries.

When the nation was in peril the national representatives decreed that the executive should be the depository of the most ample faculties. Then, as a necessary consequence of the circumstances, the observance of various precepts of the constitution was interrupted. Nevertheless, I endeavored always to act according to its spirit, in so far as was permitted by the inevitable exigencies of the war. Now that the happy triumph of the republic has permitted the full regimen of the constitution to be again established, I shall take care faithfully to guard it, and to cause it to be regarded, both from the duty imposed upon me by the confidence of the people and in conformity with my own convictions.

The faithful observance of the fundamental fact by the federal functionaries, and those of the states, will be the most efficacious means of consummating the reorganization of the republic. That important object will be attained, if always in conformity with the constitution the federal power respects the rights of the states, and the states respect the rights of the union. Without this, the primary basis for the consolidation of peace, which should be the chief aim of all our aspirations, will be wanting. All private rights, and all the interests of society depending upon the preservation of peace, the government should omit nothing for the jealous protection of the liberty and the guarantees of citizens faithful in their obedience to the laws, and for the energetic restraint of those who rebel against them, disturbing the public order.

During the years that I have been at the head of the government, in prosperous situations, as well as in those that have been adverse, it has been the sole object of all

my acts to guard the interests of the people, and to procure the well being of my country.

I feel that all my gratitude is due to it, as I recognize that to be elected again I have had no other merit than the loyalty of my intentions.

It is one of the fundamental principles laid down in the constitution that all public power emanates from the people and is instituted for their benefit. As a son of the people I can never forget that my sole title is their will, and that my sole object should always be their highest good and prosperity.

In my administration, citizen deputies, your intelligence will be my guide, and my duty will be fulfilled in carrying out your decisions, in sustaining the dignity and the independence of the nation, and in making effective the principles of liberty and of progress which the Mexican people have conquered with their blood.

[Translation.]

Address of the Vice-President, D. Manuel Saavedra.

CITIZEN PRESIDENT: For many nations of the earth one sole independence has been sufficient to give birth to a full and free existence, and to enter upon the high road of progress towards well-being and prosperity.

Mexico has required the renewal thrice of her independence, in order to place herself securely in the road to that end: the independence from Spain, the independence from the clergy and the former army, and the independence from Europe.

With the efforts and blood of her faithful sons, Mexico has now consummated this triple independence, and has thus given incontestable proofs of a vigorous life, and that she has now placed herself on the road to a rapid prosperity. To reach this point she has had to tread a path of blood and of tears; she has passed through more than fifty years of sacrifices, of disenchantments, and of hard experience, but she will know how to improve these severe lessons of the past, and by the aid of her noble sons will assure a happy future.

You, citizen President, elected by the people, have been at their head and have acted an important part in two of these epochs, prominent in the life of the nation. They confided to you their liberties in 1857, and you saved them, securing their emancipation from the clergy, the army, and from retrogression.

They confided to you their banner in 1862, and you maintained it untarnished and aloft, presenting it to-day proud and triumphant.

The national representation complies now with a just and grateful duty in saluting you as the worthy standard-bearer of Mexico.

The Mexican people, in the full exercise now of their sovereignty, have again elected you their President, and intrust to you the final work of their happiness, the consolidation of public peace. Grave and difficult the task certainly is, but your constancy and patriotism, and the good sense of the nation, of which recent proofs have been given, give assurance that you will not despond in the undertaking, and that it will be realized. In this result the sovereign congress of the union will have a very important part. It realizes the magnitude of the work, and although it distrusts its capacity to properly fulfill its mission, it is at the same time animated by a feeling of patriotism, that noble sentiment which is the source of public good and of worthy actions, and it will not cease in its labors nor vacillate in the accomplishment of the object that it will hold constantly in view.

The installation of the federal powers proves that Mexico enters upon a constitutional regimen, and the situation in which the country now is shows that the sole problem to be solved in order to assure the public peace is that of a good administration.

The chief means to realize that end will be a respect for the law, and its most faithful and exact fulfillment. Let us direct all our efforts to that end, and if we attain that happy result we shall correspond to the great confidence that has been placed in us, will fulfill the high mission that has been intrusted to us, and will realize the hopes that are centered in us by our beloved country.

Mr. Plumb to Mr. Seward.

No. 64.]

LEGATION OF THE UNITED STATES,
City of Mexico, January 11, 1868.

SIR: I have the honor to transmit herewith copy and translation of a manifesto, addressed under date of the 8th instant, by the congress of Mexico to the Mexican people.

It will be observed that this manifesto reiterates, on the part of congress, the position taken by the Executive of the republic, in his address to that body at the formal opening of the session on the 8th of December, that all treaties are at an end between Mexico and those powers who recognized the so-called government of Maximilian.

I am reliably informed that in the discussion and adoption of the manifesto, which took place in secret session, and proceeded by paragraphs, an amendment was proposed more especially recognizing the aid Mexico has received, during her recent struggle, from the United States.

This amendment was strongly supported, I am told, by Mr. Montes, formerly minister for foreign affairs under President Comonfort, Mr. Mata, formerly minister to the United States, and Mr. Cañedo, a talented deputy from the state of Jalisco, but it failed to be carried.

I am, sir, very respectfully, your obedient servant,

E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Manifesto of the Mexican Congress.

[Translation.]

THE CONGRESS TO THE NATION :

The congress of the union on finding itself again in session, after the tremendous crisis which threatened the existence of the republic, feels the necessity of addressing itself to the Mexican people in order to unite its congratulations with theirs upon the salvation of the country, and to felicitate them upon the glorious result that has been achieved by the heroic efforts of a generation that has shown itself worthy of the legacy, which, at the cost of their blood, was bequeathed to it by the illustrious martyrs of the independence.

Joined together, the efforts and the elements of war of three powerful nations, in order to invade our territory; the convention of London ruptured; the treaties of Soledad violated by the French commissioners, and undertaken by France alone; the enterprise of extinguishing our nationality in order to convert our country into a French colony as miserably oppressed as those established in Africa while giving it the pompous title of an empire; brought among the baggage of the invading army the ill-advised prince who assumed an imperial diadem, and was, notwithstanding, the first vassal of the Emperor of the French; established and supported by foreign bayonets a shadow of monarchical government destitute of an independent existence and of all national element; the invasion extended to a great part of the republic, and employing sometimes seduction and a so-called clemency, at others corruption and prodigality, and, still more, terror, devastation, and extermination, the intervention always and everywhere encountered the most determined resistance on the part of the Mexican people, who, abandoned to their fate, and without foreign aid, combatted without cessation and without rest, and regained with their blood the whole of the national territory. Each faction of our army, every guerilla who fought the invader, was the representative of a nationality that could not be extinguished; that struggled without measuring the forces of its adversaries, and that energetically protested against the iniquity and against the injustice of the most baseless usurpation.

This heroic resistance of the people who longed for independence and liberty convinced the Emperor of the French that it was impossible for him to realize his plans, and obliged him to withdraw in the most ignominious manner. Of no use to him were his victories, due to the superiority of his elements of war; of no avail were the atrocities with which his banner was stained; and, in the end, he utterly failed before the impotency of force to extinguish justice and right.

When the throne that France pretended to erect remained without the aid of France it disappeared without leaving a footprint before the simple breath of the popular indignation, and the pitiful prince, abandoned by his protector, met the fate of the lowest leader of filibusters; for this act of justice was demanded by the outraged dignity of the republic, and was also indispensable to assure by the means of a statutory warning the independence and the tranquillity not only of Mexico but of all America, constantly menaced by insensate ambitions and by the delirium of reconquest to which

the despots of the old continent have been delivered up without knowing the progress, the vitality, and the force which at its independence was possessed by the New World.

Mexico has now completely restored its independence, and, as during the struggle, this was identified with its political liberty; it has restored also the constitutional order which assures this liberty and guarantees all rights.

The triumph of Mexico is not obscured by any compromise; the disasters of the war have not lessened its dignity; misfortune has not caused it to sacrifice any principle; and it has not purchased peace at the cost of shameful compromises or humiliating concessions.

For such brilliant results the representatives of the people lack words fittingly to express their felicitations. This result is the work of the people, who could not be seduced or intimidated by the foreigner.

To this result the eminent citizen charged with the executive power most efficaciously contributed. Always the faithful representative of the republic, he never for a moment thought of compromising with the invader, nor did he despair for an instant of the salvation of his country. Congress does no more than do homage to the truth in saying that this citizen fulfilled his duty. Such has been, without doubt, the judgment of the people in re-electing him to the chief magistracy.

To the congress it belongs to constitute itself the interpreter of the national gratitude, honoring and recompensing the services that so many good Mexicans have rendered to their country, and attending to the widows and orphans of those who sacrificed their lives upon the scaffold, or on the field of battle, for the independence of the republic.

There is a duty that is not grateful to congress, but that is imperiously necessary, and it consists in not conceding impunity to the greater criminals. Congress, in complying with this duty, will endeavor to conciliate clemency with justice, will fix its eyes upon the future, and will seek to re-establish public morality; but it will not be actuated by any spirit of rancor or of vengeance, nor will it be false to the magnanimity of which the generous Mexican people have given so many proofs.

The situation of the republic upon the completion of its triumph over its foreign and interior enemies is highly satisfactory, and reanimates the hopes of all those who desire the prosperity, the well-being, and the aggrandizement of our country. Upon the wisdom, the good sense, the patriotism and the civic virtues of the Mexicans it depends that these alluring expectations shall not be frustrated. They are the masters of their own destiny; and upon the practical application of the liberty they have defended with so much courage, and the strict observance of the fundamental law so much desired, depends peace and public order, which are the first necessities of the country, as also the subsistence and the perfecting of the institutions, the credit, and the respectability of the republic before the world. The first duty of Mexicans consists to-day in respect and submission to the laws and the authorities that emanate from them, and in making full use of all the liberty authorized by the constitution, without compromising the public ease or inciting to new revolutions.

For public evils, for abuses by the authorities, for the misconduct of the government, there are legal remedies established by the constitution itself, and no others should be adopted, for there is no greater peril than in the interruption of the legal order.

With the observance of the law peace will reign, and peace will engender concord and conciliation, and will shortly lead to an intimate, close, and sincere union of all Mexicans willing to sacrifice their private interests for the good and honor of the country.

The congress earnestly excites all citizens, and particularly those invested by the people with public authority, to the faithful and scrupulous observance of the constitution. Congress, on its part, has already laid down this invariable rule for its conduct, and has resolved on no consideration to overstep the constitutional limits, bearing in mind that if salutary reforms are desired, it is also to be desired that they should have all the prestige and all the force of legality.

It has consequently abstained from counting the votes under the convocatoria of the 14th of August, upon constitutional reforms.

Congress, on commencing the work of reorganization which the country demands, in seeking to repair the grave evils left by the intervention, and in exercising all the attributes assigned to it by the fundamental charter, will have for its sole aim the public good, and it will be the vigilant custodian of the constitutional order.

It sees with satisfaction the reorganization which is being effected in the States, and it will take care that they shall be respected in their sovereignty and interior rule, trusting that the States on their part will take care not to place any embarrassments in the way of the legitimate action of the federal power.

Congress has occupied itself preferentially with the reorganization of the other federal powers. It is for the interest and decorum of the country that these powers shall be sustained and respected by all, while at the same time not depriving them of the light that results from free discussion. The congress, in celebrating the national triumph, in congratulating itself upon the restoration of institutions which combine order with liberty, and in exhorting their constituents to peace and to respect to the

law, cannot omit to express, in the name of the nation, a sentiment of profound gratitude towards the enlightened republics of America, for the moral support that they have lent to it during the struggle, in not recognizing the work of the usurpation and in not despairing that in Mexico the holy cause of right and of democracy would triumph. It is the desire of congress that in the interest of civilization and of humanity a close alliance of the American republics may be realized.

With reference to the European powers who, in recognizing the so-called empire, interrupted their friendly relations with the republic and broke the old treaties, congress does not entertain any malevolence or resentment; it will keep open the ports of the country to commerce, to the industry and to the emigration of the whole world, and it will not oppose the renewal of diplomatic relations with the nations that take measures to that end, whenever such relations have for their basis strict justice, mutual interest, and due reciprocity.

Meanwhile it is honorable for our people who have been so atrociously calumniated, that the world is seeing that in Mexico foreigners, in order to enjoy every guarantee, require no other protection than that of the laws and the Mexican authorities.

Congress is confident that the people who have been constant and intrepid in the combat will continue showing themselves magnanimous and generous in the enjoyment and benefits of victory.

MEXICO, *January 8, 1868.*

(Signed by Mariano Yanez, deputy for the State of Tlascal, president; Francisco de P. Cendejas, deputy for the State of Guanajuato, vice-president; and by one hundred and thirteen deputies from twenty-one States, the federal district, and the Territory of Lower California.)

Mr. Plumb to Mr. Seward.

No. 65.]

LEGATION OF THE UNITED STATES,
City of Mexico, January 13, 1868.

SIR: As a matter of information, I transmit to the department herewith a copy and translation of a recent correspondence that has taken place between this government and the agent here of the bondholders, under what has been known as the English convention debt.

It will be observed that two positions are taken by the Mexican government in this correspondence. First, that the convention regarding this debt, being at an end, under the general principle that all treaties with the powers who have recognized the so-called government of Maximilian are terminated, the Mexican government is free to make new arrangements regarding the manner of liquidating the debt and paying the interest thereon, which new arrangements it prescribes; and secondly, such new arrangements being prescribed, the payment back into the national treasury of a sum now lying in the bondholders' agent's hands on account of dividends, is required, in order that the same may be applied by the Mexican government under such new arrangement.

I have the honor to be, very respectfully, your obedient servant,

E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Translation.]

DEPARTMENT OF TREASURY AND PUBLIC CREDIT.—SECTION 2.

The citizen President has well-founded motives for considering insubstantial the treaties which united Mexico with the powers who disowned the republican government of this country and recognized the so-called imperial government which the French intervention pretended to establish, it being those powers who by such conduct broke said treaties.

As among those treaties figures the English convention, it is in the same case as any of the others, and must in consequence be considered as insubstantial.

The government, however, does not for this deny the obligation of the national treasury to pay the legitimate, and recognize titles of this extinguished convention. All that it denies is that such obligation retains an international character, and that the terms of payment stipulated in a no longer existing arrangement should subsist.

In virtue of the liberty which it now has to fix these terms as may appear best, it has considered it convenient to determine that the redemption of the titles of the extinguished English convention be proceeded with by public auctions. The first of these auctions will be held with the fund of \$29,649 08, which existed in the hands of Mr. Glennie, as communicated to this ministry by his note of the 7th of November last, and which is now deposited with you, as Mr. Glennie has further communicated in his note of the 19th instant. That amount you will therefore deliver immediately into the general treasury.

The subsequent public auctions will be held with the funds which will be opportunely designated, there being only and exclusively admissible for the redemption the titles of the extinguished English convention which are recognized as legitimate by the republican government, and those titles are to be preferred for the redemption which are tendered by the most favorable bidder, i. e., those that are offered at the lowest price.

As in the archives which are in your charge, there should exist the coupons which have been paid, you will be pleased to deliver them at the general treasury, together with the corresponding account of what has been redeemed up to this date of the capital and interest of the extinguished English convention.

By direction of the citizen President I communicate this to you for your intelligence and the consequent ends.

Independence, liberty, and reform! Mexico, December 21, 1867.

J. TORREA.

Messrs. BARRON, FORBES & Co., *ſc.*, *ſc.*, *ſc.*

[Translation.]

MEXICO, December 24, 1867.

SIR: Your official communication of the 21st instant has been delivered to us to-day. In it you have been pleased to inform us of the disposition of the supreme government with regard to the English convention, and we are directed to immediately deliver into the general treasury of the nation the funds which Mr. Glennie deposited in our house, appointing us at the same time agents *ad interim* of the said convention.

We do not doubt that the supreme government, comprehending the embarrassing position in which we have been placed by the dispositions of the citizen President, will not take it amiss if, before complying with the order that has been addressed to us, we take the opportunity to call a meeting of all the creditors, in order that they may be informed of the terms of the said supreme order which has now been communicated to us.

We shall do this with all the haste which the urgency of the case requires, and in the mean time, protesting our respect and consideration.

We are, &c.,

P. P. BARRON, FORBES, & CO.
JACOBO LONERGAN.

Citizen MINISTER OF TREASURY, *ſc.*, *ſc.*, *ſc.*

[Translation.]

MEXICO, December 27, 1867.

SIR: In compliance with what we had the honor to submit to you in our communication of the 24th instant, a meeting of the creditors of the English convention has been held to-day and the official note of your department of the 21st instant has been read.

Informed of the contents of it, the gentlemen who attended, and who jointly represent the majority of the credits, agreed unanimously to the following resolution, viz:

"The meeting does not consider itself authorized to take into consideration the points treated of in the note of the supreme government of the 21st instant, and in consequence limits to request the government, through Messrs. Barron, Forbes & Co., to be pleased not to proceed with the proposed public auction, leaving the funds remaining in the deposit where they now are."

On soliciting you to communicate this resolution to the citizen President, hoping that he will be pleased to accede to the wishes of the meeting, on our part we have to add that we shall occupy ourselves in forming as quickly as possible the account of capital and interest redeemed to date, and at the same time we will deliver into the general treasury the coupons which have been paid in accordance with the disposition in the note of the 21st instant above mentioned.

In the mean time be pleased to accept the assurances of our respect and consideration.

BARRON, FORBES & CO.

Citizen MINISTER OF TREASURY, *&c., &c., &c.*

[Translation.]

DEPARTMENT OF TREASURY AND OF PUBLIC CREDIT.—SECTION 2.

Notwithstanding what you state in your note of the 27th instant, with reference to the petition which the meeting of creditors resolved to make, that the funds which you received from Mr. F. Glennie as belonging to the English convention might remain in the same deposit, the citizen President has directed that it be said to you in reply, that for the reasons expressed in the note addressed to you by the supreme government on the 21st instant, through this department, the determination with regard to the delivery of the funds which you have to make into the general treasury of the nation be carried into effect.

I communicate the same to you for the corresponding ends. Independence, liberty, and reform! Mexico, December 28, 1867.

J. A. GARMENDIA.

Messrs. BARRON, FORBES & Co., *&c., &c., &c.*

[Translation.]

MEXICO, *January 7, 1868.*

SIR: Our desire to act in accord with the parties interested in the English convention has led us to delay our reply to the communication which you were pleased to address to us under date of the 28th ultimo, informing us that the citizen President has not thought it convenient to accede to the desires of the meeting, but has directed that the determination with regard to the delivery into the general treasury of the nation of the funds belonging to the said convention shall be carried into effect.

In view of this reiterated disposition, and the desires of the majority of the parties interested in the convention being already known, it is our duty to proceed at once to the delivery referred to; but before effecting it we beg you to be pleased to inform us, if in giving us the corresponding receipt for our security we can count upon its being expressed in it, that we make the delivery under compulsion of the supreme government, and protesting in the name of the parties interested in said convention against an act which they regard as prejudicial to their rights.

We do not doubt that the citizen President, comprehending the object we have in asking this explanation, will exonerate us from any intention of raising embarrassment, or of passing the limits of a just defense.

We do ourselves the honor of reiterating to you the assurance of our respect and consideration.

BARRON, FORBES & CO.

Citizen MINISTER OF TREASURY, *&c., &c., &c.*

Mr. Plumb to Mr. Seward.

No. 68.]

LEGATION OF THE UNITED STATES,

City of Mexico, January 16, 1868.

SIR: In further reply to your dispatch No. 25, of the 26th of November last, relating to Captain Krauseneck, I have now to add, in addition to what was stated in my No. 52, of the 18th ultimo, that I am informed

that officer left this country for Europe by the French steamer from Vera Cruz on the 13th of last month.

I have the honor to be, very respectfully, your obedient servant,
E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Plumb to Mr. Seward.

No. 69.]

LEGATION OF THE UNITED STATES,
City of Mexico, January 17, 1868.

SIR: Since the reoccupation of this capital by the national government, and the commencement of the work of reconstruction, there have been constant rumors of changes, more or less complete, in the cabinet of President Juarez, and changes have been believed to be desirable by many of the friends of the government as well as by the opposition.

Except in the case of the minister of treasury, Mr. Iglesias, whose health has for some time interfered very much with the discharge of the duties of his office, these rumors have lacked foundation.

Upon the entry, however, of President Juarez upon his new term of office, on the 25th ultimo, all of the ministers tendered their resignations, for the purpose, as stated in their joint note, of leaving the President free to form a new cabinet if he deemed it convenient, but none of the resignations were accepted, except that of the ministry of the treasury.

I have now to report that this position has been tendered to Mr. Romero, who formally accepted the same on the 15th instant.

The note of the president and Mr. Romero's letter of acceptance appeared in the *Diario Oficial* of last evening, and yesterday he entered upon the discharge of the duties of this important and difficult office.

In consequence of this appointment Mr. Romero has resigned the position he has so long and so worthily filled of minister from Mexico to the United States.

While this fact will, I am sure, be learned with regret by the government of the United States, his acceptance of this position in the cabinet of President Juarez I feel certain will inspire confidence not only in this country and the United States, but also in Europe.

As the correspondence published, alluded to herein, is not only honorable to Mr. Romero, but indicates the principles that will govern his action in his new position, I append a translation herewith.

So far as I have learned, it is not the intention of this government to appoint a minister at present to the United States.

I have the honor to be, very respectfully, your obedient servant,
E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Translation.]

DEPARTMENT OF STATE AND OF FOREIGN RELATIONS.—SECTION OF CHANCELLERIA.

Taking into consideration your acknowledged patriotism, ability, acquirements, and other qualities, the President has thought proper to appoint you secretary of state of

the department of the treasury and public credit, trusting that you will accept this charge in order to lend in it your important services.

I have the honor to communicate the same to you, assuring you of my attentive consideration.

Independence and liberty! Mexico, January 15, 1868.

LERDO DE TEJADA.

Mr. MATIAS ROMERO, *Present*.

[Translation.]

MEXICO, January 15, 1868.

I have had the honor to receive the communication you have been pleased to address to me under this date, informing me that the President has thought proper to appoint me secretary of state of the department of treasury and public credit.

Deeply grateful for this further proof of confidence with which the chief magistrate of the nation has again honored me, I make known to you that I accept the charge that he has confided to me solely from deference to the desires of the President and respect to his sound judgment, but by no means believing that I possess the qualifications necessary to its proper discharge.

Indeed my inclinations and my habits have not permitted me up to the present time to study in a conscientious manner the financial questions of our country, and for this reason I can only carry with me to the difficult ministry to which I am now called the firm determination to administer with purity the public funds, the disposition to avail myself of the lessons of experience in order to establish something that may be considered as a financial system, which we have hitherto lacked, and the intense desire to co-operate with the President in the great and patriotic work of consolidating the peace, order, and institutions of the republic.

I renew to you the assurances of my very distinguished consideration,

M. ROMERO.

The MINISTER OF FOREIGN RELATIONS, *Present*.

Mr. Plumb to Mr. Seward.

No. 70.]

LEGATION OF THE UNITED STATES;

City of Mexico, January 24, 1868.

SIR: On the 13th instant the telegraphic announcement, of which a translation is inclosed herewith, was published in the papers of this city that a large number of the leading and most respectable merchants, chiefly foreigners, of San Luis Potosi had been arrested, under an order condemning them to imprisonment for three months for their failure to pay a forced loan, or anticipation of contributions, summarily levied upon them by the governor of that state.

The event created great alarm and anxiety in foreign commercial circles here, and was apparently viewed with regret by many leading Mexicans.

After the pledges made with regard to foreigners, both by the executive and by the Mexican congress, I did not doubt that immediate action in the matter would be taken by the general government.

In this I have been disappointed.

On the 20th and 21st instants letters stating the facts reached here from San Luis and were placed in my hands, and I was appealed to to make some interposition in behalf of the foreigners so thrown into imprisonment.

As the only foreign representative in this country, I felt that I should be wanting in my duty if I permitted such an occurrence to pass without some notice at my hands.

At the same time, under the tenor of the correspondence that has taken place with this government regarding the protection to be extended

by the United States to foreigners in a condition of non-representation in this country, and your latest instructions in that regard, I did not feel at liberty to address this government officially upon the subject, nor to assume to make any demand, but I thought it to be my duty at least to lay before it the information that had reached me to recall to their attention their own pledges and their own laws, and to show that such acts could not pass without notice, but that they would be officially laid before the judgment of the world.

I therefore addressed to Mr. Lerdo de Tejada, on the 22d instant, the unofficial note of which a copy is inclosed herewith.

Yesterday, the 23d instant, a further telegraphic communication from San Luis Potosi was published here, of which I annex translation, which shows that the merchants who have been arrested are still in prison.

I have the honor to be, very respectfully, your obedient servant,

E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

From the paper published in the city of Mexico called the Siglo XIX, No. 183, of the afternoon of January 13, 1868.]

[Telegram.—Translation.]

SAN LUIS POTOSI, *January 13, 1868—*
10 o'clock and 15 minutes a. m.

EDITORS OF THE SIGLO XIX: The undersigned, representatives of the commercial houses to which we belong, have been reduced to prison for three months, by order of the governor, for not having made a forced advance of contributions.

We beg of you to publish this:

MARTIN DOZAL.
LUIS BESCAS.
ANASTASIO ROMANO.
JOHN PITMAN.
P. NARESO.
ANTERO LASEOZ.
M. DE ENDAZA.
J. ANTONIO RAMOS.
E. CLAVERIE.
E. VARONA.

Mr. Plumb to Señor Lerdo de Tejada.

[Unofficial.]

MEXICO, *January 22, 1868.*

DEAR SIR: I feel it my duty, as the only foreign representative in this country, and in the spirit of the correspondence that has taken place between the government of the United States and the government of Mexico, upon the subject of the extension of the protection of the United States to foreigners resident in this country who are in a condition of non-representation, to call your earnest attention to the occurrence that has taken place in San Luis Potosi, where a number of the leading foreign merchants have been imprisoned, in addition to the embargo of their property, because they have declined to pay a contribution summarily levied upon them by the governor of that state.

My attention was called to this matter by the telegraphic accounts of what occurred published in the papers of this city; but I now lay before you copies of two letters, not addressed to me, but which have been placed in my hands, from highly respectable commercial houses at San Luis, whose partners have been imprisoned, and which give a full account of the affair.

By no modern legislation is the person of the individual held for the payment of public taxes. His property is liable to the extent of all he possesses, to meet the equitable and proportional contributions, levied in accordance with law, required by the

legitimate necessities of the government under which he lives; but the individual is not held liable to personal imprisonment because he is unable or unwilling to pay the civil demands that may be made upon him. This was the case under Marquez, but it had been supposed that time had passed.

In your note to Mr. Otterbourg, of the 7th of September last, you state that "foreigners resident in Mexico, who have no representative of their government, have been and are under the protection of the Mexican authorities, to whom they can apply with confidence that they have enjoyed, and will continue to enjoy, the guarantees conceded by the laws of the republic."

In your note to me of the 26th of October last, you add: "Although such subjects have not a representative of their own, the government will watch with special care to see that they are protected by the Mexican authorities, and that they enjoy the guarantees conceded by the laws of the republic."

In your note on the 11th of December last to Mr. Middleton, the late chargé d'affaires of England in this country, I find it stated that "the government has taken care that English subjects resident in Mexico shall be under the effective protection of the laws," and "the same as until now, the government of the republic will comply with the duty imposed upon it by public law and by its own legislation."

In the discourse of the President of the republic at the opening of the sessions of the national congress on the 8th. of December, he said:

"The government has also taken care that the subjects of such nations resident in the republic shall be under the protection of the laws and the authorities. The efficacy of this protection has been such that there has been no ground for complaint. It has been practically demonstrated that under the illustration of our people, and under the principles of our liberal institutions, foreigners resident in Mexico, without the necessity of the special protection of treaties, are considered on an equality with Mexicans and enjoy the rights and the guarantees established by the laws."

In the manifesto, issued on the 8th instant by the national congress of the republic, bearing the signature of one hundred and fifteen deputies, from twenty-one States, the Territory of Lower California and the federal district, it is stated as follows:

"Meanwhile it is honorable for our people who have been so atrociously calumniated, that the world is seeing that in Mexico foreigners, in order to enjoy every guarantee, require no other protection than that of the laws and the Mexican authorities."

Whether, therefore, what has now occurred at San Luis is the act of the State authorities or of the federal authorities, the duty has been assumed by the general government of the republic of securing to foreigners the guarantees authorized by the constitution and the laws of the country.

Section 1, article 1, of the constitution of the republic, I find is as follows:

"The Mexican people recognize that the rights of man are the basis and the object of social institutions. Wherefore it is declared that all the laws and the authorities of the country must respect and sustain the guarantees established by the present constitution."

Article 14 states that "no retroactive law shall be passed. No one shall be judged or sentenced except under laws of date anterior to the fact, and exactly applicable to the case, and by a tribunal which shall have been previously established by law."

Article 16 states that "no one may be molested in his person, family, domicile, papers, or possessions, except in virtue of a written order from a competent authority, based upon legal cause for the proceeding."

Article 17 prescribes that "no man can be arrested for debts of a character purely civil;" and article 18 that "imprisonment shall only take place for offenses which merit personal punishment. In whatever stage of the proceedings it shall appear that the accused may not be liable to this penalty, he shall be put at liberty under bail. In no case shall the imprisonment be prolonged for default of payment of fees, or whatever other furnishing of money."

Article 19 further adds that "no detention shall exceed the term of three days, except upon proof of sufficient reason for imprisonment, in conformity with the requisites required by law."

"The sole lapse of this time shall render responsible the authority that orders or consents to it, and the agents, officers, or jailors that execute it."

In section 2, article 31, it is declared that it is obligatory upon all Mexicans "to contribute towards public expenses as well of the federation as of the state and municipality where they may reside, in an equitable and proportional manner, as shall be prescribed by the laws."

And in section 3, article 33, with reference to foreigners, it is stated that "they are entitled to the guarantees established by section 1, article 1, of the present constitution, (which have been quoted,) except that in all cases the government has the right to expel those who are pernicious to society. It is obligatory upon them to contribute toward public expenses in the manner that may be prescribed by the laws, and to obey and respect the institutions, laws, and authorities of the country, submitting to the

judgments and sentences of the tribunals, without power to seek other protection than that which the laws concede to Mexican citizens."

And, finally, article 126 of the constitution states as follows:

"This constitution, the laws of the congress of the union which emanate from it, and all treaties made or that may be made by the President of the republic, with the approbation of congress, shall be the supreme law of all the union. The judges of each State in giving their decisions shall do so in conformity with said constitution, laws and treaties, anything to the contrary that there may be in the laws or constitutions of the States notwithstanding."

Under these constitutional provisions, and under the declarations that have been made by the Mexican government, there can be but one opinion entertained by the world, if the foreigners who have been thus imprisoned at San Luis are not immediately placed at liberty, and there be not some power felt throughout the republic, by which the occurrence of such acts in the future can be prevented.

I am, respectfully, your obedient servant,

E. L. PLUMB.

SR. D. SEBASTIAN LERDO DE TEJADA, *Sec., &c., &c.*

IMPRISONED IN CASA DE BENEFICENCIA,
San Luis Potosi, January 15, 1868.

SIR: I had this pleasure, on the 3d instant, with a resumé of what was passing here in consequence of a new law laying a direct tax on merchants from \$38 up to \$18,000 per year, and I have to state subsequent events that have caused my imprisonment with other eight confères.

I think it was on the 4th that the State congress, by a decree, authorized the governor to ask (*pedir*) an anticipation of \$27,000 to account of the contribution, which is nothing else than an authority to contract with the commerce a loan.

Instead of so doing and calling on us to lend an amount to account, he assigns the sum among a few of us of amounts from \$500 to \$1,000, and ordering that the amount be paid within twenty-four hours.

If you look over the law you will find that it has a retroactive effect; that it deprives a man of the full use of his property, and in fact it is unconstitutional, let alone the exorbitance of the amount of taxation. It is natural that every one should resist lending any amount to account of a tax that, by the constitution, could not affect us, let alone that we were not asked to lend the money, but had a peremptory order to pay the same at a stated time.

With few exceptional cases, arising from fear, all determined to resist what we could not interpret otherwise than a forced loan; and some in writing, and others by word, made their excuses for non-compliance.

The reply given all of us was, that our reasons could not be admitted as sufficient, and giving us another twenty-four hours.

This second term expired and no one paid, because a voluntary payment would have proved against us, and that we were conformed to the law. Seeing this resistance, the minister *ejucador* calls on all non-contents with an order, that if by 12 o'clock on the 11th we had not paid, he had to embargo us.

When I and others knew this we at once addressed ourselves to the district judge, requesting protection, (*amparo*), not only from the effects of the law, but also the payment of the forced loan levied on us. We thought ourselves pretty secure, but the sequel proved that we had something else in store for us.

About 6 p. m. on the 11th, as many as could be found were called up before the prefect, who presented an order from the governor condemning all and each one of us to a fine of \$500, or imprisonment for the term of three months.

I was notified the next day at 10 a. m., and as I had refused to pay the amount assigned me, I naturally refused also to pay the fine of \$500, and in accordance was imprisoned.

I fortunately got what was refused to others—a copy of the order—as I said that I naturally wished to have a document stating the reasons for my arrest.

I inclose you an alcance of the "*opposicion*," in which you will find the same; and the remarks commenting on this order I think you will find such as to show that it is illegal to all intents and purposes, and instead of having that liberty so much talked about, we are only under the rule of a petty tyrant who recognizes no law but his own will.

I have now completed three days in prison; but I have heard it said that if in fifteen days we do not give in and pay the fine we are all to be put in the common jail. I do not know if this is a tale or a threat, but be it as it may, I am as ready to go to the common jail as to remain here.

We have applied again to the district judge, as we have not been consigned to any

of the State justices, as the law enforces, to know what we are accused of; because refusing to pay what we do not owe is no disrespect to the authorities or to any one. With equal reason he might have assigned the full amount on me of the \$27,000 instead of the \$1,000; and this surely does not condemn me that I should pay such an amount.

The foregoing is a true statement of facts, and as I make no doubt a differing coloring will be given to this scandalous business, I would esteem it as a favor that you would publish this statement, even subscribing my name to it if you so wish.

I hear that an execution was put into my house this morning to cover the \$1,000 forced loan, and they took nine pieces of broadcloth valued at five dollars and fifty cents per vara.

I also hear since that it has been sold at public auction at three dollars to three dollars and thirty-seven cents per vara.

I suppose I shall again be embargoed for the costs, and you may think how pleasant it must be when I do not even owe the money.

Yours truly,

JOHN PITMAN.

[Extract from a letter from Messrs. Davies & Co.]

SAN LUIS POTOSI, *January 17, 1868.*

Here the excitement about the new law is as great as ever, and business quite at a stand. Our authorities seem determined to carry the law into effect, and if they do so all the houses will have to liquidate and go to some other State.

The quotas for first class houses we hear have been reduced from \$18,000 to \$6,000, but even this we cannot pay, as it would be simply so much money lost.

Because we decline to pay a loan on account of the new contributions, our Mr. Endara was arrested on the 12th instant, and thrown into prison, together with nine other merchants, and is still in confinement.

In addition to the above, we were embargoed on the 15th instant, and the sum of \$1,000 forcibly taken out of our chest.

This is the way in which our authorities understand constitutional liberty.

We have petitioned our State congress, asking for the derogation of the new law, but they have refused to take our petition into consideration. We have also applied to the judge of the district for protection, both against the law and the imprisonment.

As regards the first request, he has not yet replied, but about the latter he has decided "that there is ground for the petition," and the prisoners are to undergo some kind of a trial to-morrow.

We have telegraphed to the President on the subject, but as yet have received no answer. We are now preparing a petition to the general congress.

It seems that our government is determined to get the first third of the new law out of us, even if it has to abrogate the law afterwards; and to insure this, a resolution of our congress was published yesterday imposing a fine of \$500 on any person who closes his house of business in order to evade payment of the tax.

[From the paper published in the city of Mexico, called the *Siglo XIX*, No. 193, of the afternoon of January 23, 1868.]

[Telegram.—Translation.]

SAN LUIS POTOSI, *January 23, 1868.*

(Received in Mexico, at 12.25 a. m.)

EDITORS OF THE *SIGLO XIX*: All of our houses have been embargoed and the effects sold at the lowest prices. The embargoes are to be repeated to complete the loan. We are still imprisoned.

Please to publish this.

JOHN PITMAN.
ANASTASIO ROMANO.
PABLO NARESO.
M. DE ENDAZA.
ANTERO LASEOZ.
MARTIN DOZAL.
E. CLAVERIE.
E. VARONA.
LUIS BESCAS.

Mr. Plumb to Mr. Seward.

No. 72.]

LEGATION OF THE UNITED STATES,
City of Mexico, January 28, 1868.

SIR: I have the honor to transmit herewith copy and translation of a note received last evening from Mr. Lerdo de Tejada, in reply to the unofficial communication I addressed to him on the 22d instant, with reference to the foreign merchants arrested at San Luis Potosi.

I have just returned from the interview to which I was cited in the said note, and am glad to be able to state that I am informed by Mr. Lerdo de Tejada that yielding to the representations of the general government, the governor of the State of San Luis has placed at liberty the merchants who have been imprisoned, of which fact the government has been advised by a telegram from San Luis, dated day before yesterday.

The explanations offered by the governor of San Luis, communicated to me by Mr. Lerdo de Tejada, do not require any remark; they only add to the necessity of the step he has now been induced, by the influence of the general government, to take; that is, to place the persons arrested at liberty.

I am, sir, very respectfully, your obedient servant,

E. L. PLUMB.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Señor Lerdo de Tejada to Mr. Plumb.

[Translation.—Unofficial.]

MEXICO, *January 27, 1868.*

DEAR SIR: I have received the unofficial letter you have been pleased to address to me, under date of the 22d instant, with reference to the case of certain merchants arrested in the city of San Luis Potosi, by order of the government of that State.

The government has had, and will have, in just consideration the good offices you have been pleased to interpose in this affair, with reference to which congress has already asked for information, and the judge of the district of San Luis has also intervened in conformity with the law relative thereto.

I can with pleasure make known to you in an interview the explanations and the motives which have been given by the governor of San Luis with reference to his proceedings, and if not inconvenient for you, I will be at your orders for such interview at the department of foreign relations, at four o'clock in the afternoon of to-morrow.

I am, with great regard, very respectfully, your obedient servant,

LERDO DE TEJADA

MR. EDWARD LEE PLUMB, *&c., &c., &c.*

Mr. Plumb to Mr. Seward.

No. 73.]

LEGATION OF THE UNITED STATES,
City of Mexico, February 8, 1868.

SIR: An important step in the direction of commercial reform has been taken by this government in the appointment of a commission for the formation of a new tariff.

I inclose herewith a translation of the order from the treasury department, making the appointment, which at the same time indicates the general basis of the reforms proposed.

The simplification and unification of the tariff will, as I understand, be more especially sought than any general reduction of duties.

The commission has already commenced its labors, and it is probable a report will be prepared in time for the new tariff bill to be submitted by the executive at the next session of the congress, which commences on the 1st of April and terminates on the last day of May, and which, by the constitution, is to be dedicated in preference to the consideration of financial subjects.

I have the honor to be, very respectfully, your obedient servant,
E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Translation.]

DEPARTMENT OF THE TREASURY AND PUBLIC CREDIT.—SECTION I.

The general ordinance of the maritime and frontier custom-houses of the republic of the 21st of January, 1856, which is that actually in force, has been so varied by different modifications which it has received from time to time, that there are very few of its provisions that are now considered as in force.

Besides, many of its provisions conflict with the letter and the spirit of the constitution, and for that reason should not longer be permitted to exist.

The modifications that have been made are already so numerous that the system of duties of importation upon foreign merchandise has become very complicated and difficult, which, besides occasioning inconvenience to commerce, produces difficulties and complications for the supreme government and its offices.

The citizen President desiring, therefore, that there shall be formed with all the study and care possible a new tariff, which shall be in accord with the spirit of the constitution and with the necessities of the country, and in which at the same time that the interests of the public treasury shall be protected, the labors of the merchants shall be simplified, has been pleased to direct that there shall be named a commission composed of yourself and Messrs. Jesus Castaneda, S. Castain A. Barcena, Julio Ulink, and Miguel Gutierrez, charged with forming, upon the basis herein indicated, a project of tariff which shall embrace so far as possible all of the conditions desired.

Independence and liberty! Mexico, January 4, 1868.

Mr. RAMON G. GUZMAN.

ROMERO.

Mr. Plumb to Mr. Seward.

No. 76.]

LEGATION OF THE UNITED STATES,
City of Mexico, February 8, 1868.

SIR: Since the recent entry of Mr. Romero upon the position of minister of treasury, a report has been made by him to the congress, which may be considered as embodying the financial programme of the Mexican government.

An English translation has been published here under direction of the treasury department, of which I inclose a copy herewith.

It will be observed that in several important particulars this report bears upon the foreign relations of this republic.

I have the honor to be, very respectfully, your obedient servant,

E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

DEPARTMENT OF STATE FOR FINANCE AND PUBLIC CREDIT.

Report presented to the Congress of the Union by the Secretary of State for the Department of Finance and Public Credit, in virtue of the 89th article of the Federal Constitution, on the 31st of January, 1868.

CITIZEN DEPUTIES: In accordance with the 89th article of the federal constitution, and by an order of the congress communicated to me on the 17th instant, I have the honor to report that the brief space of time elapsed since I entered upon my department has not permitted me to inform myself thoroughly of the progress and alterations that have occurred in its several branches since the date of the last financial report of the 10th of February, 1867, nor to acquaint myself with the actual state of all those departments of public administration connected with the federal revenue. Neither, for the same reason, have I been able to develop any plan which might permit us to regulate our finances for the future by affording us sufficient resources to meet the public expenses, the material improvements of the country, and the redemption of our consolidated and floating debt.

The events of the war which has happily terminated; the occupation of a great part of our territory by the French army of invasion; the necessity under which our military chiefs and the local authorities made use of the funds of the federation recovered in their respective districts: the irregular manner in which they have had to effect these operations; and the loss and destruction of a great part of the documents showing the distribution of the public money, are motives that cause it to be almost impossible to form a report by which an exact idea could be given of our financial affairs during the war with France. Moreover, the exceptional circumstances of that war (notwithstanding that the formation of the account of its expenses might be a very valuable work, considered in the light of historical interest, and the injury caused to the nation) would be a motive why, at the same time, it would not have much importance taken as a basis from which to start for our future financial system.

The preceding considerations are, therefore, the cause that the present report must be necessarily very succinct and incomplete, and that it will not be accompanied by all the indispensable data for ascertaining the amount of the ingress to the national treasury and that of the egress for the last ten years, but that it will be rather a slight sketch for the future than an account of the past.

Existing, moreover, a legal injunction lately renewed by congress, by which the secretaries of the various departments are ordered to report on the use made by the government of the extraordinary faculties conceded to it by the national representation, it appears to be more in order to leave the relation of the past to the report about to be made in accordance with the instructions referred to, as also more natural to intrust this work to the citizen who was at the head of the finance department during the greater part of the period in which the executive was invested with legislative powers, and to whom it has already been recommended by the President.

The principal basis for the formation and adaptation of a system of finance is the conservation of public tranquillity; without this requisite it would be impossible to obtain the necessary income to cover the estimates or to establish the necessary order for collecting the revenues effectually. Government will therefore use every effort to preserve public tranquillity at all costs, in the certainty that this is the first requirement of the country, and to which all the others have to submit themselves. If, as is believed, this desirable result be obtained, the principal difficulties that have hitherto existed towards the organization of the public revenues will have been overcome.

Another indispensable element towards attaining this important object is that the laws establishing the federal revenues shall be punctually obeyed by all the inhabitants of the republic, including, of course, the authorities of the States. The necessities of the war had required up to the present that the local authorities should dispose of the federal income, and the government presumes that there is no exaggeration in the assurance that this practice has been one of the greatest obstacles that has existed so far towards the organization of the federal finances, and that which has maintained the republic in a constant state of bankruptcy for many years. One of the first requirements is, therefore, to put an end to this practice, so prejudicial to the interests of the public revenue, and which, on account of the restoration of peace, has ceased to have the motives that might have justified it formerly. The government, being satisfied of the imperious necessity of the federal exchequer, receiving in future the whole of its revenues, has dictated the competent measures towards obtaining this important result, and is resolved to carry them into effect with all the energy required by the circumstances, and with the conviction that in this way it fulfills one of the most sacred duties which it owes to the nation. For the fulfillment of the revenue laws, government relies upon the efficient co-operation of congress, without which perhaps its patriotic views might possibly not have the desired effect. The government is persuaded that with these two important elements, namely, the preservation of public tranquillity and the strict compliance with the revenue laws throughout the

country, it would not only be possible but also certain to organize the national income and to count upon the necessary means to meet all requirements by covering the public estimates and liquidating within a comparatively short period a great portion of our debt.

The government considers that one of the most prejudicial errors for the republic, and one that has brought on the most disastrous and transcendent consequences, has been that the country did not possess sufficient resources of its own to exist by itself, and that it required inevitably assistance from abroad. A painful experience has taught us to know how unfounded is this illusion. After our war with the United States, in 1848, we had a considerable supply of means, which, had they been well administered, would have sufficed to have established our financial prosperity. But, as the other indispensable requisites were wanting to attain this object, they were dissipated like smoke. Later, and in virtue of the Mesilla treaty, we received a subsidy from abroad, which scarcely became perceptible, and hardly left any trace behind it. Lastly, those misled Mexicans who, in a moment of supine hallucination, appealed to a foreign country, not only soliciting pecuniary resources, but also armed forces and positive intervention in the domestic affairs of the republic, were quickly convinced that notwithstanding the fabulous result they obtained by converting into an instrument of their unworthy views a sagacious monarch, all was of no avail—neither the hundreds of millions of dollars expended in the expedition, the thousands of troops sent to the country, the recognition and moral support afforded by European nations to the intervention, nor the unheard-of efforts which were made to establish a state of things that did not count upon its own resources, but had to depend upon foreign aid.

If the republic had not counted upon its own resources for its existence as an independent nation, it would have been more decorous and perhaps more patriotic to have subjected ourselves to the foreign yoke, which on distinct occasions has been tried to be imposed upon us, and which in the last one we had to make gigantic efforts to overthrow. The entire confidence which the government enjoys that the republic possesses within itself all the necessary elements for self-existence, and that with the re-establishment of peace and obedience to the laws she can not only dispose of the requisite means to consolidate her government and satisfy all her wants, but that by the development of her immense material resources she will attain that prodigious degree of welfare and prosperity to which it would appear she is destined by a benign and prodigal nature, was without doubt one of the reasons why the government was inspired with unlimited faith, and was made to assume a dignified and decided attitude in our last struggle with a foreign invader.

The government has had the patriotic satisfaction to observe, (notwithstanding that traces are still unblotted of the foreign enemy, who fled precipitately, abandoning all the interests he had created here in a period of five years,) that, assisted by the good spirit of the Mexican people, it finds itself in a far more preferable position, without doubt, than any that has existed since the period of our emancipation up to the present time. As a proof of this, there has scarcely been time to commence to repair the disasters occasioned by the invasion, when the government, thanks to its efforts to re-establish order and morality, covers its expenses with a punctuality that has never before been witnessed. Notwithstanding that the republic maintains a standing armed force, larger than has existed in times of peace, this force, perhaps for the first time in many years, and with the fact that the government is not yet in possession of all its revenues, receives full pay, which is generally paid a fortnight in advance. The civil list, which comprehends all the employés of the federation, those of the legislative, executive, and judicial powers, and a considerable number of widows, orphans, and other pensioners of the state, are also paid up with all punctuality. The other expenses which the government necessarily has to meet, such as the transportation of war material, construction of warlike stores, military clothing, printing, &c., &c., are either fully paid up, or in the course of payment, with the probability of being covered immediately. The expedition to Yucatan, which under other circumstances would have been impossible, except by taking transport vessels by force, and recurring to other violent measures, has now been effected, as it might have been, by a nation whose credit was cemented upon a more solid basis, namely, by chartering steamers and sailing vessels at fair prices, covering two months' pay, in advance, to the expeditionary forces, and moreover remitting funds for those already organized, or about to be organized in the States of Yucatan and Campeachy, with the view of re-establishing public order, and putting down the insurrectionists; and these enormous outlays, which exceed the sum that congress considered sufficient to disburse, have not disarranged our estimates nor prevented our making our payments as if the public tranquillity had not been disturbed in that peninsula.

One of the causes that has contributed to produce this promising position, is the determination of government, carried out so far in an inflexible manner, and in which it is the firm intention to persist, of not consenting to any ruinous contracts respecting the anticipation of duties. Until now, usury has been the cancer of our financial system. Government has adopted the policy of putting an end thereto, and the results of

so praiseworthy a determination, carried into effect inexorably, are already manifest to every one.

Another of the fundamental principles on which the financial policy of the government relies, has been and is the fixed resolution to introduce economy in the administrative expenses. This, however, is not the work of a few days. So far, considerable progress has been made in this respect, as the armed force of the republic, which at the termination of the war consisted of eighty thousand men, does not now reach twenty thousand. For some time, payment has had to be made to a considerable number of chiefs and officers, who had been withdrawn on account of their services being no longer required, in order to enable them to retire to their homes.

In the opinion of the government, there would be a great risk that our present financial situation might lose its equilibrium considerably, if we were to attempt to change the existing legislation in this respect, by adopting dangerous innovations. There is no doubt that our actual financial laws require many improvements, but government considers it to be its duty to make known to congress its conviction, that any innovation not duly reflected upon would produce fatal consequences to the revenue. It is the intention of the government to adopt or propose to congress all such reforms as experience may show to be needful; but it is believed that nothing of the existing system should be destroyed until that which is to supplant it shall be established. The government considers, therefore, that it ought to impress upon congress the convenience of not changing our rental system for the moment. In consequence of this idea, the government believes it to be an obligation to recommend to congress, not only that the laws that now form our system should not be abolished or modified for the present, but that the measures adopted by the legislatures of some of the States, in contravention to the federal laws, should be annulled. Upon this important point a representation will shortly be addressed to the chambers by this department.

Our system of taxation is, without doubt, open to much improvement. One sole, general direct tax, imposed upon real estate and actual capital, would be more equitable, and would produce a larger income to the public treasury, than those now exacted. The value of real estate in the City of Mexico is calculated by the general tax office of the district at thirty-nine millions of dollars, and that of the suburbs, in the districts of Tacubaya and Tlalpam, at about eight millions. The reports given in, as to actual capital, barely reach to about three millions of dollars. This insignificant amount can only represent a very trifling part of such capital. In case of adopting this tax, it would be necessary to take steps to oblige capitalists to make their representations rather more scrupulously.

Government trusts to be in a position before long to reduce the armed force of the republic to a peace footing, as it is of opinion that a reduced army, but well organized and disciplined, and provided with arms with all the improvements of modern inventions, would be more efficient in the preservation of public tranquillity, or in re-establishing order in case of disturbances, and even in defense of the country in case of a foreign invasion, than a more numerous army but badly organized, and not well armed. A military school for the creation of punctilious and capable officers would provide us with a number of instructed chiefs, who would be enabled to convert the masses of our population into regular troops in case of a foreign invasion. The sums which would be economized by making this reduction might be employed with great benefit to the country in protecting foreign immigration, in the construction of railroads, and in other public improvements, which would permit us to arrive quickly to that prosperity and welfare we all desire.

The orders for payment which I found pending in the general treasury, on taking office in this department, amounted to \$163,296 99. In the few days that have transpired since the 16th instant up to date nearly a sixth part of these orders have been paid, without neglecting, on this account, the other public expenses.

With the view of re-establishing the credit of Mexico, by endeavoring to comply with the orders for payment with that punctuality which is required by decorum and public convenience, I have taken the determination of not sending any order to the general treasury, or of recognizing those emanating from other departments, unless there should be the necessary funds in that office to pay the amount on presentation.

It would not be possible to form an estimate of the national revenues, because unfortunately up to the present there have been no means of assuring their ingress to the public exchequer. It may be said, however, in a general way, that they consist of the income of the maritime custom-houses, the products of district imposts, and direct contributions, the rents of mints, the "conducta" dues, dues on the exportation of silver, stamp dues, and national property.

It has been a misfortune not to have succeeded up to the present in securing the entrance into the federal exchequer of the whole of the income from the maritime custom-houses of the Pacific.

The government is engaged in dictating the necessary measures to attain the desired object, and will shortly submit to congress its ideas with this view. A part of the

income of these custom-houses has been devoted to the payment of the fourth division of the standing army.

In regard to the custom-houses of the Gulf, that of Vera Cruz is in full possession of the government, and with its income not only has the pay of the second division been covered, but remittances have also been made to the general treasury, without which it would not have been possible to pay the civil list, but even to have attended to the pay of the first division and that of the forces of the federal district. The custom-house at Tampico was, unfortunately, for some time in the possession of the insurrectionists of that port, who disacknowledged the authority of the national government, and who not only made use of all its proceeds, but also exacted loans from the merchants of that city, and contracted obligations for which pretended claims are made against the federal government. Government is in the hope that, now that its authority is re-established in Tampico, it can count upon the income of that custom-house. A considerable part of this income has been destined to pay the third division, and the same has happened in regard to the custom-house of Matamoros. This custom-house, as well as the others on the Gulf, has been making remittances to the general treasury, but the diminished mercantile transactions there have caused these remittances to be of but little consideration.

The revenue of the custom-house of the district produces generally, in fair times, from eighty to one hundred and twenty thousand dollars monthly; the direct taxes from the district, from forty to fifty thousand dollars; and the stamp duty, from eighty to a hundred thousand dollars per month. With the assistance of these revenues government has been enabled, thus far, to meet the estimates in the manner already mentioned. It is to be anticipated that, with the consolidation of peace and public order, the establishment of the federal authority and the supreme authority of the republic, the re-establishment of public confidence and the augmentation of mercantile transactions, these revenues, as well as those of the custom-houses, will increase very considerably.

Respecting mints, the system of renting them out to private individuals, carried on hitherto, has produced more inconveniences than benefits. For a certain amount, comparatively small, the government has had to bind itself not to permit the exportation of silver in bars. Urgent necessities of the moment for obtaining resources, obliged those in command to give permits for the exportation of silver, and these permits were given either by the military chiefs or the local authorities, and in consequence thereof the tenants of the mints presented claims for sums far exceeding the amounts received by the government for rent. Under these circumstances, and under the impression that it will be more favorable to the interests of the revenue that the mints should be under the immediate authority of the government, the executive is engaged in resolving what steps are to be taken in the matter. Propositions will shortly be presented to congress, believed to be sufficient to place this important branch of revenue upon a better footing than hitherto. Several of the leases of mints have already expired, and government has deemed fit not to renew them. When the new arrangements, in which the executive is now occupied, are concluded, this important matter, instead of being burdensome to the public exchequer, as has been the case recently, will give excellent results.

A large number of convoys (conductas) having left last year, exceeding that regulated by law, it is not to be expected that in the present year so large a number will leave, or that they will carry great amounts. It is not to be looked for, therefore, that any considerable revenue will be obtained from this source. When mining operations receive that impulse that they ought to receive, after some time of peace and the return of public confidence, the proceeds from this branch will be very abundant.

Nationalized properties would doubtless be a source of public wealth, notwithstanding little is left of them, if the exigencies of times past were not subject to innumerable complications. Government believes, however, that the necessities have now passed over which caused their transfer or sale at low prices in order to disarm an uncompromising enemy, and that with good administration they may hereafter be made to produce abundant resources, or that they will serve, at any rate, to liquidate a very considerable portion of our debt. Government is actively engaged in adopting the necessary measures to secure this object, and will soon submit to congress, if required, the steps that may be deemed convenient, both for the better organization of the department of nationalized property, and the arrangements for the collection and distribution of the proceeds. Neither would it be possible, just now, to form an estimate of the entire expenses required for public administration. Government has already intimated to congress, through myself, that not one single day shall be lost in forming this report. One of my first acts upon entering in the finance department, and even several days previous to congress making any indication to me with this object, was, with the consent of the President, to issue a circular requiring all the necessary data to form the same in a complete and exact manner. I can assure congress that the government has the firm determination to form the estimate, and only desires that the one thus made may deserve that name, and not be a dead letter, or a thing impracticable, as by misfortune has hap-

pened on other occasions. For the present, however, I can state to congress crudely, and in a general way, that the expenses of administration of which I have knowledge amount monthly to the following sums:

Legislative power of the federation and its secretaryship.....	\$35,874 54
Executive power, including the President, secretary's office, and ministers of foreign affairs, home department, justice, finance, and war, (the department of public works having a special fund).....	23,327 61
President's staff.....	1,468 20
The extraordinary expenses in the ministerial departments may be calculated at.....	40,000 00
Judicial power of the federation.....	20,321 49
Judicial power of the district.....	13,522 75

FOREIGN AFFAIRS.

Legations and consulates.....	4,500 00
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HOME DEPARTMENT.

Post office.....	3,010 83
Territory of Lower California.....	358 33
Subscriptions to newspapers.....	700 00
Editorship of the official journal.....	450 00
Government printing office.....	466 00

DEPARTMENT OF JUSTICE.

Assignations to colleges.....	7,898 14
General archives.....	346 32
National library.....	255 32
National museum.....	700 00

WAR DEPARTMENT.

First division.....	93,556 85
Second division.....	88,304 00
Third division.....	107,557 00
Fourth division.....	98,366 00
Engineer staff.....	1,148 70
Expenses of the expedition to Yucatan.....	100,000 00
Establishment for the construction of artillery.....	3,518 00
National corps of invalids.....	8,055 96
Military gratifications.....	900 00
Repairs of quarters.....	6,000 00
Depot of chiefs and officers.....	3,314 00

Pensioners, as follows:

Retired list.....	9,636 07
Military montepio.....	15,401 07
Military pensions.....	6,681 04
Civil montepio.....	8,979 44
Superannuated list.....	1,444 22
Superannuated list.....	1,742 00
Civil pensions.....	316 00
Wagon trains.....	385 00
Annuities to the wounded and the families of those who have died in defense of constitutional order.....	987 00
Generals at quarters, and unattached chiefs and officers.....	1,251 50
Military commandant's department.....	94,298 95
Harbor masters.....	5,000 00
Rural corps.....	14,497 32
Guard of Mexico and Ajusco.....	6,429 00

FINANCE DEPARTMENT.

Customs, estimates.....	41,652 66
Agents of finance department.....	8,775 41
General treasury of the nation.....	5,985 00
Custom-house at Mexico.....	13,000 00
Tax office, (general).....	2,916 66
Stamp office.....	2,420 00
Redemption of floating debt.....	40,000 00

Redemption of consolidated debt.....	\$=0, 000 00
Wardenship of the Terceros hospital.....	92 27
Wardenship of the mint.....	147 50
Weights and measures.....	391 66

FEDERAL DISTRICT.

Municipal guard of the district.....	18, 109 12
Military comandante of the district.....	2, 570 00
Quartermaster of the district.....	644 70
Supplies for	480 00
Supplies to the government of the district.....	7, 677 74
Indemnities to the proprietors of edifices pulled down.....	2, 000 00
Total.....	<u>1, 057, 834 13</u>

The pensions payable in the States are not included, on account of the estimates not having been received, notwithstanding the frequent demands addressed by the general treasury to the head offices with this object.

On the arrival of the national government at this city, in July of last year, the funds of the municipality were found to be so dilapidated, that it was entirely impossible to pay out of them the expenses of the government of the district and its armed force. It has been necessary, therefore, to concede certain subsidies, more or less considerable, in order to attend to the most urgent requirements. The municipality has also been assisted with a monthly sum for the opening of new streets to embellish the capital, and for indemnities to the owners of property which it has been necessary to demolish. Government has now regulated the revenues of the district, and considers that ere long they will be sufficient to cover all its expenses, and then the supplements which have been made up to the present will be at an end.

Government has also thought it its duty to maintain a considerable force of rural police for the custody of the road to Vera Cruz, and that to the interior, as far as Queretaro. The States ought to protect their own road, as it would be impossible for the general government to take them all under their custody. In attention, however, to the importance of those two now mentioned, government has not hesitated to organize forces for their protection until the States can comply with this obligation. This charge is all the more onerous, because the forces, badly discharging this service, receive higher pay than those of the regular army.

One of the most efficacious modes that exist, in the opinion of the government, not only for making the public revenues more productive, but also for facilitating the operations of merchants of good faith, and simplifying the present financial system, which has become exceedingly complicated, is the formation of a new custom tariff, based upon principles in accordance with the express precepts of the constitution. With the spirit of the age, and with the most trivial diatribes of political economy, according to which it is now obvious that the augmentation of revenue does not depend so much upon the increase of duties, which only serves as a pretext for smuggling, but in the development of mercantile transactions, which cannot avoid increasing very considerably under the impulse that will be afforded by the present system, and above all, taking care that the tariff now to be adopted shall be uniformly and invariably carried into effect in all the maritime custom-houses of the republic with the view of preventing merchandise being received in some ports at lower duties than at others, by which trade suffers, to the prejudice of merchants of good faith, and further inducements are offered for smuggling.

With the desire of carrying out this important reform, which is required both by the interests of the executive and those of the commerce of the republic, the government has named a commission composed of citizens of acknowledged ability, acquired by long experience both as employes and as merchants, which is charged with the formation of a project for the new tariff. The cardinal basis on which the same should rest is, in the conception of the government, the establishment of solely importation dues higher than those now existing, in order to reassume therein all the additional duties now collected; the raising of prohibitions, but putting duties on those articles now prohibited, in order to protect national industry; the adoption of the metro-decimal system, which should have ruled in the republic long since; the abolition of administrative litigations, in which the executive now acts as judge and plaintiff; and perhaps the establishment of a port of deposit on the Pacific, which it appears is required both by the special necessities of that coast and the interests of the government.

The public debt has, without dispute, been the principal difficulty with which former administrations have had to struggle hitherto, and it may be said, without exaggeration, that it served as a pretext for the French intervention which we have just overcame. This is not the moment to examine the origin, circumstances, and amount of the debt; it is sufficient to state that certain European nations, availing themselves of our want

of experience, and more especially of our debility, of which we had a false idea, imposed upon us obligations the fulfillment of which was almost incompatible with our existence as an independent nation, in the understanding that they deprived us of the principal and most valuable part of our revenues, without which it was not possible for us to meet the most urgent expenses of administration. At the same time, and forming an essential part of their programme, they imposed upon us, as an international debt, that which by its origin, and in accordance with every principle of equity and justice, universally recognized by all nations, could not have any other character than that of a national debt, in which no foreign power ought to have any kind of interference. This false policy produced the results which were inevitably to follow: the national government found itself deprived of the indispensable resources for the preservation of public order, and without these, with the assignments made to foreign nations, it was impossible to pay even the interest on the debt. The exigencies of these powers arrived at a really intolerable point, and at last produced a misunderstanding fatal to them, but which has had for us the beneficial result of freeing ourselves from the tutelage under which we had been laboring, and of giving us the consciousness of our own strength, and the determination of defending our rights against every kind of influence and aggression, both abroad and at home.

The European nations that made war upon us, or lent their moral support to our invaders, by recognizing the order of things which the French intervention attempted to establish in the republic, broke by this act the treaties that bound them to us. Not on this account do we pretend to disacknowledge the obligation of paying the legitimate creditors of the republic, and we can assure them that their position has never been more favorable than at present, considering that there has never existed so great a probability on such well-founded hopes of consolidating the peace of Mexico as now.

Availing itself of the rights given by this new situation, and animates with a sincere desire to comply with all the legitimate obligations of the republic, the government has also decided upon the mode of paying off gradually, as the circumstances may permit, the national debt, whether consolidated or floating. A fund of not less than fifty thousand dollars per month has been dedicated to the redemption, at public auction, of the bonds of our consolidated debt. The government desires that within a few days the first sale should take place of the bonds of the extinguished Spanish and English conventions, from certain funds found in the possession of the former agents of these bond-holders, and which the government is engaged in recovering to distribute the same, in the way in which it is proposed to redeem its debt. Accounts will also be demanded from these agents, of the sums they received during the so-called empire, and of the coupons paid, so as to liquidate what may be owing. If, as may be expected, this plan should produce good results, within a few years we shall have redeemed much of our debt, and in this way we shall have radically removed the constant motives we have heretofore had for difficulties with European nations. If these powers should desire to renew their relations with us under different bases from those subsisting formerly, we shall have ceased to have cause for differences with Western Europe.

The republic neither can, nor ought, in any shape, recognize the obligations which the Emperor of the French attempted to force upon her by means of his intervention in our domestic affairs. The government cannot find language sufficiently strong to express the force of its determination in this respect; neither can it acknowledge any of the obligations contracted through the order of things which the Emperor of the French endeavored to establish in Mexico. Government has also declared that it will not recognize either, as a legitimate claim against the nation, the damages and losses occasioned to foreigners or natives by the invader or his allies in the war of intervention. But, on the other hand, it is considered to be very just to recognize to the citizens who have contributed with their property towards the continuation of the war against the foreign invader those claims they may have against the federal treasury, as also to the patriots who have been for all this period in the civil or military service of the government, the balances that may be due them for the time they did not receive their pay. If not being possible, however, to pay off all these obligations at once, government has dictated the measures by which they may be recognized, liquidated and paid. The decree of the 10th November regulates the mode in which such recognition and liquidation shall be effected. The offices intrusted with carrying these operations into practice have been already organized, and are now in actual exercise of their functions. When their labors are concluded, a general statement will be presented to congress comprehending those claims recognized and liquidated.

The decree of the 30th November of the same year ordains that from the month of May forward a fund shall be separated of not less than thirty thousand dollars, nor more than fifty thousand dollars, monthly, destined to the redemption of the interior debt, in which is of course included both the consolidated and floating debt. Government proposes to carry out these measures, dictated by itself, with all scrupulousness, and which, in its judgment, constitute the most equitable and efficacious means of redeeming the whole of the debt in the course of a few years.

Government is of opinion that it would be convenient to consolidate the floating

debt of the nation upon an equitable basis. Promise has been made to effect this, and with this view attention is now being given to this important matter, which will have so much influence upon the national credit, and when these labors are concluded they will be submitted to congress for their determination. The completion of our financial system and of order in the revenues will be, in the opinion of the government, the suppression of special funds, and of assignments of a similar nature. We cannot have a system founded upon firm and solid bases, until we succeed in establishing an office that shall be the only one for distributions, and which shall keep accounts current with all branches.

There are, moreover, other reforms of a secondary nature, which may be classed as regulation orders, and which government will endeavor to establish in the offices of the federation according as it may be possible to do so, and which will be indicated by the regulations themselves. Among these will be comprehended the prohibition of receiving orders for payment, compensations and much less assignments in the collectors' offices. Also that the general treasury of the district and the financial agencies in the States shall make no other payments than those decreed by the estimate, and on all occasions by a previous order from the department of finance, whose care will be to limit the same to each separate case. On publishing the estimate, the department of finance will form, in accordance with the branches included therein, the system of accounts to be established in the general treasury, to combine clearness and simplicity with the security of the public interests and all responsibility of the employes. For the offices of financial agents a form of accounts will be adopted, which, besides uniting the preceding requisites, shall produce the result of that uniformity which is now wanting.

This is an abstract of the situation of our financial affairs. Up to the present, every thing possible has been done towards the improvements, and promising results have already been obtained. Government has the expectation of making further improvements hereafter, counting upon the efficacious and wise co-operation of congress, to whom the constitution has given the faculty of approving the estimate and decreeing contributions.

M. ROMERO.

MEXICO, January 31, 1868.

Mr. Plumb to Mr. Seward.

No. 77.]

LEGATION OF THE UNITED STATES,

City of Mexico, February 12, 1868.

SIR: As a matter of further information, I transmit to the department herewith translation of correspondence that has taken place between this government and the representatives here of the creditors under the Spanish convention debt. While the action taken by the Mexican government with reference to this debt is the same as that with regard to the English convention debt referred to in my dispatch No. 65, of the 13th ultimo, the correspondence now transmitted sets forth more fully the nature of the obligations asserted to exist by the creditors under those conventions.

I have the honor to be, very respectfully, your obedient servant,

E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

No. 1.

[Translation.]

DEPARTMENT OF TREASURY AND PUBLIC CREDIT.—SECTION 2.

It has reached the knowledge of the President of the republic that there exists in your possession \$38,000 proceeding from the Spanish convention, and which you propose to distribute. By his order you are prohibited from carrying into effect such distribu-

tion, and you are directed to hold the said sum at the disposition of the supreme government until it shall think proper to otherwise order.

Independence, liberty, and reform! Mexico, October 22, 1867.

For the minister,

J. TORREA, *Chief Clerk.*

Mr. MIGUEL BUCH, *Present.*

No. 2.

[Translation.]

The undersigned, members of the permanent committee of the fund of the Spanish convention, before your excellency respectfully set forth :

That Mr. Miguel Buch has had the honor of receiving, and has passed to us, the note dated the 22d instant, in which you have been pleased to state that it has reached the knowledge of the President that there exists in the possession of the agent \$38,000 proceeding from the Spanish convention, which it is proposed to distribute; and it is required that such distribution shall be suspended, and that the said sum shall be placed at the disposition of the supreme government. We have to believe that the said supreme disposition has been obtained by means of false or erroneous information. It is our duty to rectify the same, and for that purpose it will be permitted to us to state some antecedents of this affair, and to refer to the true facts as they have occurred.

By articles 3 and 4 of the convention, adjusted between the governments of Mexico and Spain on the 12th of November, 1853, ratified by the former government on the 22d of the same month, and by the latter on the 30th of May, 1854, the supreme government obliges itself to pay to the Spanish creditors the credits which they represented, allowing an interest of three per cent. per annum, payable half yearly, from the 14th of August, 1852, as stipulated in the convention of the 14th of November, 1851, and allowing also five per cent. per annum for the redemption of the principal. To cover these two sums the supreme government assigned eight per cent. of the product of the duties of importation caused in the custom-houses established in the ports of the republic. It was also stipulated that the general treasury should pay the said eight per cent., delivering its amount in drafts to the agents named by the creditors, without the necessity of any further orders, the one then given being sufficient, and of which a copy was passed to the representative of her Catholic Majesty that it form part of the convention. In virtue of this contract a general meeting of the creditors, presided over by the minister of her Catholic Majesty, established regulations, of which we inclose a copy, for the direction and administration of the fund; and some time afterwards Mr. Buch was appointed to discharge the duties of agents and the undersigned as member, of the permanent committee. This appointment was made in November, 1860, and it is therefore not true that the agent has been appointed by the government of the empire, as mistakenly or maliciously has been stated to the minister of treasury.

As stipulated in the convention, the agent and the permanent committee have limited themselves, in the years that have passed, solely by the receiving of the eight per cent. of the products of the maritime custom-houses, without making any innovation upon the terms of the convention, and without entering into any contract with the government of the empire.

The \$34,184 86 which exist are the remainder of the sums received, which, it is proper to remark, have not been distributed, both because a part consists in drafts which, it has not been possible to collect, and because the amount is not sufficient to cover the one per cent. due on account of the sixteenth dividend, which coupon has been cut from the bonds and is held in the safe of the agency.

From what has been stated it will be seen that the said sum belongs in full property to the creditors, that it has been received by their agent in part payment of what is due to them from the nation, and that in consequence it does not belong to the treasury, as has been maliciously denounced to the department under your worthy charge. We are aware that the denouncer complains that the committee and the agent do not distribute the funds of the convention equally among the creditors. Such complaint, however, is without foundation, and only has for its object to obtain undue preferences, as it will be easy to demonstrate.

Convinced that the means that have been employed by the party interested, to obtain advantages to the prejudice of the majority of the creditors, will not exercise any influence in the just mind of the President, or in the integrity and intelligence of yourself, we beg you to have the goodness to entreat him to consent to withdraw the supreme order of the 22d instant.

In concluding this statement we have to make known to you that in the archives of the committee there exist paid coupons to the amount of over \$1,000,000, which we have held, and are at the disposal of the constitutional government, trusting that it

will be pleased to give its orders that they may be delivered in the general treasury in conformity with the convention. Wherefore we beg that you will be pleased to direct in conformity with what we have asked, in which we will receive favor and justice.

Mexico, October 29, 1867.

J. M. BASSOCO.
R. MORA.
C. CALLADO.

The Citizen MINISTER OF TREASURY.

No. 3.

[Translation.]

DEPARTMENT OF TREASURY AND PUBLIC CREDIT.—SECTION 2.

The citizen President has well-founded motives for considering insubsistent the treaties which united Mexico with the powers who disowned the republican government of this country, and recognized the so-called imperial government which the French intervention pretended to establish, it being those powers who by such conduct broke said treaties.

As among those treaties figures the Spanish convention, it is in the same case as any of the others, and must, in consequence, be considered as insubsistent. The government, however, does not for this deny the obligation of the national treasury to pay the legitimate and recognized titles of this extinguished convention. All that it denies is that such obligation retains an international character, and that the terms of payment stipulated in a no longer existing arrangement should subsist.

In virtue of the liberty which it now has to fix these terms as may appear best, it has considered it convenient to determine that the redemption of the titles of the extinguished Spanish convention be proceeded with by public auctions. The first of these auctions will be held with the fund of \$34,184 86, which is in the possession of yourselves or of Mr. Buch, being the balance of the sums received from the eight per cent. of the products of the maritime custom-houses, and which you will deliver immediately into the general treasury.

The subsequent auctions will be held with the funds which will be opportunely designated, there being only and exclusively admissible for this redemption the titles of the extinguished Spanish convention recognized as legitimate by the republican government, which protested against the Mon-Almonte treaty, and preferring for the redemption of those titles which are tendered by the most favorable bidder, i. e., those that are offered at the lowest price.

As in the communication which, on the 29th of October last, you addressed to this department, and to which the present serves as reply, you stated that in the archives which are under your charge there exist paid coupons to the value of more than a million of dollars, you will be pleased to deliver the same into the general treasury, together with the respective accounts of the principal and interest of the extinguished Spanish convention.

By direction of the President I communicate the same to you for your intelligence and the consequent ends.

Independence, liberty, and reform! Mexico, December 21, 1867.

J. TORREA.

Messrs. JOSE MARIA DE BASSOCO, RAYMUNDO MORA, and CASIMIRO COLLADO.

No. 4.

[Translation.]

CITIZEN MINISTER: At 12 o'clock to-day has been delivered to us the supreme order you have been pleased to address to us under date of the 21st instant, requiring of us that the agency of the Spanish convention deliver into the general treasury the \$34,184 86, now on hand in cash and in drafts.

As such disposition is of grave importance to our constituents, we have not the authority to decide in the case, and it is indispensable to convoke a general meeting of the parties interested, in order to inform them of the said supreme order.

We therefore pray you to be pleased to suspend the execution of the said disposition,

in order to afford us a proper time to call and hold a meeting of the creditors, as is our duty.

In the same we will receive favor and justice.

MEXICO, December 24, 1867.

JOSE M. BASSOCO.
RAYMUNDO MORA.
CASIMIRO COLLADO.
MIGUEL BUCH, as agent.

The Citizen MINISTER OF TREASURY.

No. 5.

[Translation.]

DEPARTMENT OF THE TREASURY AND PUBLIC CREDIT.—SECTION 2

I have given an account to the President of your petition of the 24th instant, in which you ask the suspension of the execution of the order of the 21st instant with reference to the delivery into the general treasury of the funds and liquidations belonging to the extinguished Spanish convention.

The President, in view of said petition, has directed me to say to you that, for the reasons expressed in the said order, the supreme government is resolved that what was therein determined must be complied with, and he expects that you, on your part, will be pleased to give due acquiescence in what pertains to you.

By his order I communicate the same to you for the consequent ends.

Independence, liberty, and reform! Mexico, December 28, 1867.

J. M. GARMENDIA.

To Messrs. J. M. BASSOCO, R. MORA, and C. COLLADO.

No. 6.

[Translation.]

In compliance with what we had the honor to state to the minister of the treasury in our memorial of the 24th of December last, and with what our regulations prescribe, we have called a general meeting of the creditors of the Spanish convention, in order to inform them of the resolution taken by the President, and they have unanimously agreed in authorizing us to employ all legal means for the purpose of demonstrating the justice that sustains us, at the same time with all respect to the supreme orders. As one of the means that is proper is that of representation, we may be permitted to set forth some reasons in defense of the interests committed to our charge.

His excellency the minister, in the supreme order of the 21st of December last, has been pleased to state that the President has well-founded motives for considering as insubsistent the treaties that unite Mexico with the powers who, after having recognized the government of the republic, recognized also the imperial government attempted to be established by the French intervention, it being those powers who broke the treaties, among which figures the Spanish convention.

It does not belong to us to discuss the conduct observed by our government in entering into relations with the imperial authorities, and much less to attempt to define the effects that this act may have produced, but we think we can assume that the Spanish convention of the 12th of November, 1853, ratified on the 30th of May, 1854, subsists and should be complied with.

It is well known that among the writers upon international law the question has been discussed whether the rule, that war puts an end to all treaties between the contracting powers, has not some exceptions, and the greater number agree that there are cases of exception, and even cite some examples.

We believe that there has not been war between Spain and Mexico, but only a suspension of relations, which we indulged the hope would be of short duration. But whether there may have been a state of war between the one nation and the other, or a suspension of relations that may be assumed to put an end to treaties, properly so-called as those of friendship, alliance, or commerce, which relate to general and permanent interests, the same cannot be the case with conventions like the Spanish, which only relate to the interests of private individuals, and which, if adjusted between the two governments of Spain and of Mexico, was only to assure more firmly what was stipulated with reference to such interests. The obligation contracted between the

parties celebrating the convention did not remain dependent or subject to the political occurrences that might take place. The convention is nothing more than a contract between the government of the republic and that of her Catholic Majesty, by which the former performed an act of justice by assigning a part of the product of her maritime custom-houses during a term of years for the payment of the sums due to Spanish subjects, and the latter agreed that its subjects should accept the delay in payment in consideration of said assignment.

If the convention was at an end, the creditors would recover immediately the unquestionable right of asking the payment in full of their credits, as the arrangement would be at an end by which they agreed to wait and to accept annual payments. We make use of this circumstance to demonstrate the justice with which we claim that the convention is still in force, and that we do not in any manner admit that it has been terminated.

It must have been so understood by his excellency the minister, and for this reason, without doubt, in the said supreme order he was pleased to state that the republic recognizes the obligation of paying the sums due to the Spanish creditors, but that a sum would be assigned for the purchase of said credits at public auction. We believe, however, that the purchase of credits at public auction is legal only when it is so stipulated between creditor and debtor; but if the latter imposes the same by force he does not comply with his obligations, but pays less than what he owes, injures a right legitimately acquired, and attacks that of property in violation of the principles set forth in all of the constitutions which have ruled in this country from that of 1812 to that of 1857, and in all foreign legislation which have laid down the principle of the inviolability of private property. No law authorizes the debtor to fix the mode of payment of his obligation after the same have once been admitted and recognized.

In the present case, although the supreme government merits all respect and due consideration, it has the character of a contracting party, as the state in the matter of contracts individualizes itself and is subject to the civil law.

It is also equally certain that the public auction of credits can only take place when it is so agreed, and that in article 7 of the Spanish convention it is stipulated that of the eight per cent. assigned in article 3, there shall be paid first the three per cent. of interest accrued, and the remaining five per cent. shall be applied to the redemption of the capital, making this by public auction to the best bidder, and fixing as a minimum price the rate of one hundred dollars in coin for one hundred and thirty dollars in bonds.

In the present case, no auction for the redemption of capital could be proceeded with, because there remains unpaid the interest of more than seven years.

To the reasons already set forth we believe it convenient to add a fact, which should receive the respectable attention of the President and incline his just mind to direct the revocation of the said supreme order of the 21st of December, 1867.

By articles 3 and 4 of the convention of 1853, the Mexican government engaged to pay to the Spanish creditors three per cent. annually of interest, and five per cent. of redemption of the consolidated capital, assigning, for the purpose of meeting this obligation, eight per cent. of the duties of importation collected in the ports of the republic, and authorizing the agent of the convention to receive directly from the custom-houses the sum so assigned.

It was also stipulated that if the said eight per cent. should not be sufficient for the payment of the interest and redemption of principal, the general treasury, without the necessity of any further order, should annually cover the deficit with the first drafts received from the maritime custom-houses.

According to this stipulation there should to-day be covered all of the interest, and some of the principal redeemed. But neither has the interest been covered, nor has a single dollar of the capital been redeemed, nor has the general treasury covered any of the deficit.

Notwithstanding this, the creditors have not said a single word, nor have they addressed the slightest complaint to the government of the republic for the non-compliance with the stipulation of article 4, but they have taken into consideration the difficult circumstances in which the country has been placed, and have kept silent, to the prejudice of their interests.

The thirty thousand dollars and upwards that in coin and drafts exist in the agency, and that it has been ordered shall be returned, are applicable to the sixteenth coupon, which fell due in the month of February of 1860, and which debt is therefore of the epoch of the government of the republic.

The circumstance that our government held regulations with that of the empire should not operate to the prejudice of the creditors, who neither directly nor indirectly had any part in said relations, nor in the intervention. In receiving from the custom-houses the eight per cent. which the government of the republic assigned them, they exercised only a legitimate right, disposing of money which belonged to them in full property. By such act they have not committed any fault whatever, nor can they

merit the penalty of returning the \$34,184 86 applicable to the payment of overdue interest.

For the reasons that have been expressed, we have again to solicit that you will be pleased to appeal to the President to accord that the said order of the 21st of December may be revoked.

If, as we trust may not be the case, its revocation be denied, the committee and the agent believe it to be their imperative duty to protest before the supreme government, with all due respect, that in making the delivery of the \$34,184 86, which, in money some time collected, and in drafts awaiting payment, they hold, destined to the payment of coupons due more than seven years back, they make such delivery under compulsion and pressure of the supreme authority.

MEXICO, January 2, 1868.

JOSÉ MARIA BASSOCO.
RAYMUNDO MORA.
CASIMIRO COLLADO.
MIGUEL BUCH, *as Agent*.

The CHIEF CLERK of the Department of Treasury.

No. 7.

[Translation.]

DEPARTMENT OF TREASURY AND PUBLIC CREDIT.—SECTION 2.

The citizen President having been informed of the further petition addressed by you to the supreme government, under date of the 2d instant, asking the revocation of the order of the 21st of December last, which directed you to deliver into the general treasury of the nation the existing funds pertaining to the extinguished Spanish convention, basing said petition upon various reasons, has directed that it be stated to you, in reply, that, it having been determined to proceed with the resolution taken in this affair by the council of ministers, what you solicit in your said petition cannot be admitted.

I have the honor to communicate the same to you for your information.

Independence and liberty! Mexico, January 7, 1868.

J. M. GARMONDIA.

Messrs. JOSÉ MARIA DE BASSOCO, RAYMUNDO MORA, CASIMIRO COLLADO, and MIGUEL BUCH.

Mr. Plumb to Mr. Seward.

No. 78.]

LEGATION OF THE UNITED STATES,
City of Mexico, February 14, 1868.

SIR: Referring to my dispatches Nos. 65 and 77, and the correspondence inclosed therewith, I have now to transmit, for the information of the department, translations from the *Diario Oficial*, showing that the steps proposed to be taken by this government with regard to the funds in the hands of the agents of the bondholders, under the English and Spanish convention debts, have been carried into effect, and that the public sale therein referred to has taken place.

Translations of the final replies of the agents of the bondholders are also transmitted herewith.

I have not yet learned of any provision having been made for the payment of the principal of, or the interest upon, American claims.

I have the honor to be, very respectfully, your obedient servant,

E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

No. 1.

[From the *Diario Oficial*, of February 6.—Translation.]

DEPARTMENT OF TREASURY AND PUBLIC CREDIT.—SECTION 2.

By the communications which, under this date, I have addressed to Messrs. José María Bassoco, Raymundo Mora, and Casimiro Collado, and to Messrs. Barron, Forbes & Co., of which I inclosed to you a copy, you will be informed of what the President has determined with reference to the extinguished English and Spanish conventions.

In conformity with what is directed in said communications, you will proceed without delay to hold two public auctions, one of the titles of the extinguished English convention, and the other of the titles of the extinguished Spanish convention; the first, with the \$29,649 80, which are to be delivered to you by Messrs. Barron, Forbes & Co., and the second, with the \$34,184 86, which are to be delivered to you by Messrs. Bassoco, Mora, and Collado.

For the subsequent auctions there will be set apart, until the sovereign congress shall otherwise provide, a monthly sum, which shall not be less than \$40,000 nor more than \$60,000, which shall commence to be so set apart from the coming month of January, 1868, in the administration of sealed paper, from the product of the twenty per cent. of the federal contribution.

In case these products are not sufficient to furnish the sum designated, what is lacking will be supplied from the other funds of the treasury.

As the said sum is designed for the successive redemption of all of the titles of the foreign debt, recognized as valid and legitimate, this department will opportunely fix the partial sums to be taken from the general amount, for the redemption of the said titles, according to the categories into which they are divided.

With reference to the values and the accounts which are to be delivered to you, you will proceed to collect the same without delay, forming afterwards the respective liquidations, which you will remit to this department as soon as possible.

Independence, liberty, and reform! Mexico, December 21, 1867.

IGLESIAS.

The Citizen TREASURER GENERAL OF THE NATION.

No. 2.

[From the *Diario Oficial*, of February 6.—Translation.]

DEPARTMENT OF TREASURY AND PUBLIC CREDIT.—SECTION 2.

Under date of the 21st of December last, this department transmitted to you copies of the communications addressed to the agents of the bondholders under the extinguished Spanish and English conventions, requiring them to deliver into the general treasury certain funds in their possession destined for the payment of interest and redemption of said bonds, in order that by the general treasury the same should be distributed in the manner directed by the President for the redemption of this debt. At the same time the necessary instructions were given to you to proceed to hold public auctions for the sale of said funds.

The agents of the extinguished conventions opposed some difficulties for the delivery of these funds; and the change which has lately taken place in the *personnel* of this department has occasioned that the funds are not yet delivered, and that none of the auctions which it was directed should be held have yet taken place.

The President having again taken this subject into consideration, in council of ministers, after having heard the motives alleged by the late agents for not making immediately the delivery that was required of them, has determined, with the concurrence of his cabinet, to proceed with what had previously been ordered.

In consequence thereof, you will proceed to notify this determination to the house of Messrs. Miguel, Burch & Co., which is where there exists \$34,186 86 belonging to the fund of the extinguished Spanish convention, and to the house of Messrs. Barron, Forbes & Co., who have \$29,649 08 belonging to the fund of the extinguished English convention.

Immediately that they make known to you their conformity for the delivery of these funds, you will proceed, without loss of time, to hold the auctions, augmenting them with such sum as the circumstances of the treasury may permit, to the end that these auctions may be for the largest possible sum.

It will not be necessary that the material delivery of these funds shall take place, as once that the depositories have manifested that they are disposed to deliver them they

can remain in their hands as a deposit, in order to be delivered by them to whomsoever shall acquire them in the sale, and in whose favor the general treasury will issue the corresponding orders.

It appears unnecessary to recommend to you again that, in the auction for the bonds of the extinguished Spanish convention, only those that are legitimate can be received. The auctions will take place with all the formalities of law.

This department understands that a part of said funds are in drafts due but not collected. In order that the auction may take place as soon as possible, you will lend your most efficacious co-operation to the collection of the unpaid drafts, using, if it is necessary, the compulsory faculties possessed by your office.

By direction of the President you will also demand from the said houses, or from the persons in whose possession they may be, the paid coupons and redeemed bonds, in order that they may be canceled by the general treasury, and also a detailed account of the sums which, during the time of the so-called empire, were received as interest or for the redemption of capital of the bonds of the extinguished Spanish and English conventions.

You will also exact the same data from the persons who are or have been the agents of the bondholders under the extinguished French convention.

I communicate the same to you for your most punctual compliance.

Independence and liberty! Mexico, February 1, 1868.

ROMERO.

The Citizen TREASURER GENERAL OF THE NATION.

No. 3.

[From the Diario Oficial, February 6.—Translation.]

DEPARTMENT OF TREASURY AND PUBLIC CREDIT.—SECTION 2.

Although article 1 of the law of the 30th of November, 1867, provided that the auctions for the redemption of the interior debt of the nation should commence in the month of March proximo, the citizen President, desiring that the same shall commence even before the date fixed, in order to manifest in this manner his desire to pay the creditors of the treasury as early as possible, has been pleased to direct that the first of these auctions shall take place on the 12th instant, to which shall be assigned the sum of ten thousand dollars, and in which shall be received only certificates of an amount less than one thousand dollars, of those issued by the liquidating bureau of the national floating debt, in conformity with the provisions of article 16 of the law of the 19th of November, 1867.

The President also desires that, on the 10th instant, there shall take place the first auction for the redemption of the bonds of the extinguished English and Spanish conventions, to which the communication of this department of the 1st instant refers, assigning for this auction a fund of \$90,000, including the \$73,000 and a little over, which exist in the hands of the late agents of said bonds.

You will take care that this fund of \$90,000 shall be divided between the bonds called Spanish and English, in proportion to the amount represented by the total of each one of those two classes of bonds.

In this way there will be applied in the present month \$100,000 to the redemption of the public debt, and the President expects that in the subsequent months there can be applied to this object an equal or a greater sum.

Independence and liberty! Mexico, February 6, 1868.

ROMERO.

The Citizen TREASURER GENERAL OF THE NATION.

No. 4.

[From the Diario Oficial of February 8.—Translation.]

GENERAL TREASURY OF THE NATION.—SECTION 2, NO. 48.

In compliance with the supreme order which, under this date, you have been pleased to address to me, that on the 10th instant the first auction, with the fund of \$90,000 for the redemption of the bonds of the extinguished English and Spanish conventions, shall take place, I have directed the printing and posting of the respective notices; but for the greater accuracy of this general treasury in the auctions, I beg

that you will be pleased to ask from the department of foreign relations, and remit to this treasury, the marginal record which remains there of the bonds placed in circulation belonging to the said conventions, as without the same it will not be easy to distinguish the good from the false, that are, perhaps, in circulation.

I also beg that you will be pleased to resolve whether in the auction there is to be taken into account only the value of the principal of the bonds, or if the interest is to be calculated and added thereto; advising me of the date up to which the same is to be reckoned.

Independence and liberty! Mexico, February 6, 1868.

M. P. IZAGUIRRE.

THE MINISTER OF TREASURY AND PUBLIC CREDIT.

No. 5.

[From the Diario Oficial of February 8.—Translation.]

DEPARTMENT OF TREASURY AND PUBLIC CREDIT.—SECTION 1.

There has been received in this department your official note of this date, No. 48, in which you request that this department shall ask from that of foreign relations, and remit to the treasury, the marginal record which remains there of the bonds, which were placed in circulation under the extinguished English and Spanish conventions, in order to distinguish the legitimate from the illegal; and you inquire whether, in the auction of said bonds, which is ordered for the 10th instant, there shall be considered only the value of the capital which they represent, or if the interest shall be capitalized, and up to what date this shall be calculated.

I have to-day asked from the department of foreign relations the marginal records you desire, and immediately that they are received they will be sent to the treasury.

With respect to the inquiries that you make, I have to state that the President directs that the unpaid interest on the bonds sold shall be capitalized, computing the same up to the date of the auction.

Independence and liberty! Mexico, February 6, 1868.

ROMERO.

THE CITIZEN TREASURER GENERAL OF THE NATION.

No. 6.

[From the Diario Oficial of February 8.—Translation.]

Notice.

In a supreme order of to-day the minister of treasury and public credit says to me, among other things, as follows:

"The President also desires that on the 10th instant there shall take place the first auction for the redemption of the bonds of the extinguished English and Spanish conventions, to which the communication of this department of the 1st instant refers, assigning for this auction a fund of ninety thousand dollars, including the seventy three thousand dollars and a little over, which exist in the hands of the late agents of said bonds.

"You will take care that this fund of ninety thousand dollars shall be divided between the bonds called Spanish and English in proportion to the amount represented by the total of each one of those two classes of bonds.

"In this way there will be applied in the present month one hundred thousand dollars to the redemption of the public debt, and the President expects that in the subsequent months there can be applied to this object an equal or a greater sum."

Of which I hereby notify the holders of bonds of the extinguished English and Spanish conventions, who may wish to have their bonds redeemed, to the end that they may meet at this general treasury on the 10th of the present month, at ten o'clock in the morning, when the auction will commence.

Independence and liberty! Mexico, February 6, 1868.

M. P. IZAGUIRRE.

No. 7.

[From the Diario Oficial of February 11.—Translation.]

DEPARTMENT OF TREASURY AND PUBLIC CREDIT,
*Mexico, February 10, 1868.**To the Collector of the Maritime Custom-house at Vera Cruz :*

The auction of the sum of ninety thousand dollars, in favor of the bonds of the extinguished English and Spanish conventions, has just take place. Forty-eight thousand six hundred and fifteen dollars was adjudicated for the bonds of the first, at twenty-eight and seven-eighths, and at twenty-nine per cent., and \$41,385 for those of the second, at thirteen, and thirteen and one-eighth per cent.

I inform you on account of the importance that it is to the commerce to know the result of these auctions, to whom you will communicate the same, also sending this notice abroad.

Day after to-morrow an auction will take place for the interior debt.

ROMERO.

Result of the auction held to-day for the sale of \$90,000 to the bondholders of the extinguished English and Spanish conventions.

ENGLISH CONVENTION.

R. Cancino sold, at 28 $\frac{7}{8}$ per cent.....	\$100, 940 00 =	\$29, 146 42
The same, at 29 per cent.....	67, 133 03 =	19, 468 58
Total.....	168, 073 03 =	48, 615 00

SPANISH CONVENTION.

F. Macin sold, at 13 $\frac{1}{2}$ per cent.....	\$58, 440 00 =	\$7, 743 30
C. Kemoylen sold, at 13 $\frac{1}{2}$ per cent.....	45, 937 50 =	6, 029 29
R. Cancino sold, at 13 per cent.....	128, 625 00 =	16, 721 25
C. Moctezuma sold, at 13 per cent.....	38, 500 00 =	5, 005 00
P. Cardena sold, at 13 per cent.....	45, 278 16 =	5, 886 16
Total.....	316, 780 66 =	41, 385 00

RESUMÉ.

English convention.....	\$168, 073 03 =	\$48, 615 00
Spanish convention.....	316, 780 66 =	41, 385 00
Total.....	484, 853 69 =	90, 000 00

Gain, \$394, 853 69.

MEXICO, *February 10, 1868.*

No. 8.

[Translation.]

MEXICO, *February 4, 1868.*

SIR: By your communication of the 3d instant we are informed that, by virtue of the order of the minister of the treasury, which you insert, we have to make the delivery of the funds of the English convention, be the same in money or in drafts, as likewise the accounts of the convention.

From the literal tenor of the order it appears that our conformity has to be manifested, and that "it will not be necessary that the material delivery of the funds should take place, as once that the manifestation is made by the depositories of their being disposed to deliver them, they can remain in their possession."

But as, notwithstanding these terminant dispositions, your office understands that

we are to proceed with the delivery, we have respectfully to indicate to you that, as determined in the meeting of the creditors, the owners of these funds consider themselves prejudiced by the delivery referred to, and they have instructed us to make it in their name only under the unavoidable necessity of obeying orders which the government of the republic has not been pleased to revoke, notwithstanding our repeated solicitations.

We have the honor to be your bedient servants,

BARRON, FORBES & CO.

The Treasurer General M. P. IZAGUIRRE.

No. 9.

[Translation.]

The treasurer general has transcribed to Mr. Miguel Buch the supreme order of the 1st instant, relative to the delivery of the funds of the Spanish convention.

As the said supreme order has been published in the "Diario Oficial," and in it it is stated that immediately that the agents manifest their conformity for the delivery of the funds he will proceed to hold the auctions, we fear that the Spanish government and our constituents may believe that we have not fulfilled the duty imposed upon us by the trust which we have accepted.

That circumstance obliges us to reproduce the expositions in which we have sustained the subsistence of the Spanish convention, and endeavored to convince the supreme government that the fund which exists in the agency belongs, in full dominion, to the creditors who have received it, by means of their attorney, in part payment of interest due for nearly eight years.

For the same reasons it is proper for us to reproduce, also, the solemn protest which we made in the second memorial, dated the 4th of January last, that we had not been, and that we are not, conformable to the delivery of the fund, and that, if the committee submits to the disposition of the supreme government, it is under compulsion and the pressure of the several orders they have received, and in all cases holding in reserve the rights which they represent.

In order to cover at all times our responsibility, we beg that you will be pleased to direct that there be issued to us, from the department under your worthy charge, certified copies of the present and of our previous expositions.

We also beg that you will be pleased to direct that the said expositions be published, in order that in the publication that has been made the documents may appear complete.

Wherefore we beg that you will accede to our petition, in which we will receive justice.

MEXICO, February 6, 1868.

JOSE M. DEBASSOCO.
RAYMUNDO MORA.
C. COLLADO.

The Citizen MINISTER OF THE TREASURY.

No. 10.

[Translation.]

In reply to your official note dated the 3d, in which you insert the supreme order of the 1st instant, relative to the delivery of the funds belonging to the creditors under the Spanish convention, I have to make known to you that the said funds are at your disposal, but not because there is a conformity to their delivery, as not only the permanent committee but the agency have protested before the supreme government that if the delivery is made it is only under the pressure and compulsion of the supreme orders that they have received.

The net sum which exists in my possession, deducting a trifling charge prior to the note of the 21st of last October, is \$33,984 86, and I have to request that in disposing of the same you will do so in one sum, as for special reasons it will not be possible for me to make the several payments to which you refer

MEXICO, February 6, 1868.

MIGUEL BUCH, Agent.

The TREASURER GENERAL.

Mr. Seward to Mr. Plumb.

No. 42.]

DEPARTMENT OF STATE,
Washington, February 20, 1868.

SIR: I have to acknowledge the receipt of your dispatches Nos. 70 and 72, of the 24th and 28th of January last, respectively, with reference to the foreign merchants of San Luis Potosi, imprisoned by the authorities of that State for refusing to pay a forced loan, and to their subsequent release.

I have to express satisfaction with the prudent action of the Mexican government in causing their liberation, and a hope that a recurrence of such measures as those adopted by the State government will not take place. Your proceedings in the matter are approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

EDWARD L. PLUMB, Esq., &c., &c., &c.

Mr. Plumb to Mr. Seward.

No. 80.]

LEGATION OF THE UNITED STATES,
City of Mexico, February 21, 1868

SIR: I have the honor to transmit to the department herewith copy and translations of two communications in Spanish, under date of the 5th and 9th ultimo, which reached me on the 17th instant, from the consul at Merida, Mr. R. Juanes y Patrullo, and with which he incloses copy of a decree of which he complains, issued by the governor of the State of Yucatan, closing the port of Sisal in consequence of the reactionary movement which occurred at Merida on the 11th of December last.

I also transmit herewith copy and translation of the said decree, and a copy of my reply to Mr. Patrullo, which I trust will meet with your approval.

I am, sir, very respectfully, your obedient servant,

E. L. PLUMB.

HON. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

[Translation.]

CONSULATE OF THE UNITED STATES AT MERIDA AND SISAL,
Merida, January 5, 1868.

hasten to address myself to you, informing you that by virtue of a political movement effected in this city on the 10th of December last, and which had for its result solely a personal change in the government of this State, the expelled governor has launched from the neighboring State of Campeche a decree which cannot but produce the gravest injury to the commerce and interests of the United States, if the supreme government of the republic does not speedily take the necessary measures to avert the evils which the tenor of the decree annexed hereto, already mentioned, is producing to foreign commerce.

The neighboring State of Campeche has taken part in favor of the expelled governor, and some days since there arrived in the waters of Sisal several small armed vessels of war to impede all mercantile movements.

The line of American steamers which for some time has been established between New York and Vera Cruz, touching at the port of Sisal, will be affected by this more sensibly than that of any other nation, as there is carried on by these vessels quite an active commerce between New York and Sisal.

Until instructions are communicated to me, that have to govern the conduct that I should pursue in these cases, I believe it to be my duty to pass to the port of Sisal, as the American steamer by which this letter will be sent, is momentarily expected, and to protest in due form in case the flotilla does not permit the steamer to enter.

The governors of the Mexican States having no faculties to decree laws of the tenor of the decree referred to, it is desirable that the American nation should not allow such abuses of authority to pass unnoticed whenever, as in the present case, they operate to the prejudice of the interests of our nation.

In this unfortunate country, where there is no other law than that of force, there have been imposed, more than once, forced loans upon American citizens established in it, and as no governor has ever been admonished to faithfully comply with the tenor of the treaties existing between the two republics, all, without exception, follow the same example of disregarding said treaties, the only protection that foreigners resident in this country have.

I beg you will take what I have said into consideration, and at the same time excuse me that I write to you in my native language, in violation of the circular of the 1st of June, 1853, issued by the Department of State.

I protest to you my consideration and respect.

R. JUANES Y PATRULLO,
United States Consul.

The Hon. MINISTER OF THE UNITED STATES, *Mexico.*

[Translation of decree.]

Manuel Cepeda Peraza, general of brigade, governor and military commandant of the State of Yucatan, to the inhabitants of the same maketh known: that in use of the ample faculties with which I am invested, I have thought proper to decree, and do decree, the following:

ARTICLE 1. The port of Sisal is hereby closed to the foreign and coasting trade, until it returns to obedience to the supreme government from which it has separated by the act of seconding the anti-national movement, which took place in Merida, on the morning of the 11th instant.

ART. 2. Vessels which have been dispatched, or which in future may be dispatched, for said port, will proceed to the adjacent port of Campeche, where their discharge and other custom-house operations will take place.

ART. 3. The duties which are paid on the importation or exportation of effects made in violation of this decree shall be considered as unpaid, and the violators will remain subject to the payment again of the duties caused without prejudice to such other penalties as are imposed in this case by the general ordinance relating thereto.

Wherefore, I order this to be printed, published, and circulated for its due compliance.

Dated at Jalacho, the 14th of December, 1867.

MANUEL CEPEDA PERAZA.

[Translation.]

CONSULATE OF THE UNITED STATES AT MERIDA AND SISAL,
Merida, January 9, 1868.

MR. MINISTER: The American steamer, which in my preceding communication I stated was to arrive from New York, reached the port of Sisal on the 6th instant. Before arriving at the anchorage the flotilla of the State of Campeche sent a boat on board, and without any doubt informed the captain that he could not enter, as the port was declared closed, and, without communicating with the shore, he continued on his voyage to Vera Cruz.

To avoid the necessity of this vessel taking back to New York the cargo brought for the port of Sisal, I beg you, if you can do so, to order that a war vessel of our nation come to these waters to prevent the flotilla from placing any impediment in the way of American vessels. Only in this manner can the injuries be averted, which not only the steamers of this line but also the commerce of New York will suffer, unless a speedy determination is taken.

I repeat to you my profound respect and consideration.

R. JUANES Y PATRULLO.
The Hon. MINISTER OF THE UNITED STATES, *Mexico.*

LEGATION OF THE UNITED STATES,
City of Mexico, February 21, 1868.

SIR: Your two communications of the 5th and 9th of January reached me only on the 17th instant.

As the rebellion in Yucatan has now happily been suppressed by the commendable vigor of this government, it is unnecessary for me to enter into the questions relating thereto, raised in your letters.

It is very clear the interests of our commerce with this country will be promoted, if this government shall be able, as I trust will be the case hereafter, promptly to crush all attempts that may be made to subvert the constitutional order.

I am, very respectfully, your obedient servant,

E. L. PLUMB.

R. JUANES Y PATRULLO, Esq.,
United States Consul, Merida.

Mr. Plumb to Mr. Seward.

No. 81.]

LEGATION OF THE UNITED STATES,
City of Mexico, February 24, 1868.

SIR: I have purposely, thus far since my arrival here, refrained from making any allusion in my communications to the department, to the many reports which from time to time are circulated in this country, and and are sent abroad, of reactionary movements, or of public disorders of more or less importance, in various parts of the republic.

In most cases these reports, are speedily proved to be fabrications, and such movements as may occur have no political importance, because they can attain no practical end.

The struggle this republic has just passed through has been too vital, and the principles involved in the triumph achieved by the cause of republican constitutional government too important, and necessarily deep seated, for there to be even a possibility for some considerable time, at least, of any serious political change originating within itself.

It would seem to have been demonstrated that no government is now possible here except the constitutional form of government, and it would therefore clearly appear to be for the interest not only of this country, but of all who may have relations with it, that that government should be maintained. Any reactionary or other anti-constitutional movement now, whether originating abroad or within the republic, must be simply an attack upon public order, and a direct injury to the creditors of this country, and all who seek to have commerce with it.

Upon the success of this people in maintaining order and security, and achieving progress under the form of government they have definitively adopted, depends not merely their national existence, but all immediate prospect of the payment of their obligations, and the possibility of any development of their commerce.

For the solution of this question of their capacity in this regard, which is being determined, it would also appear clearly desirable that a full, fair and free time of trial should be afforded without opposition, but rather with encouragement from all quarters. It would appear to be in the common interest that any attempted movement against the constitutional order should receive severe reprobation abroad, and that the constitutional authorities should be stimulated, and, so far as may be legitimately practicable, aided to vigorously repress all such movements.

The recent reactionary movement in Yucatan, which commenced on the 11th of December last, upon the landing there of a certain number of the imperialist refugees who have been congregated at Havana, appears to have had its only inspiration and support from that source.

Availing by surprise of the port of Sisal and the city of Merida,

where the constitutional governor, Pedraza, had but an insignificant military force, they succeeded in driving him from the latter place, and in momentarily organizing there a simulated form of government.

The distance required to march troops to Vera Cruz, and the necessity of transporting them across the gulf, consumed some time before this government could bring its force to bear against the movement. But it has acted in this instance with most commendable vigor, and the forces it sent were no sooner landed at Campeche than they were marched at once upon Merida, and at the first onset crushed the insurrection entirely, killing in the actions that occurred the principal leaders of the hopeless movement.

This affair might pass without further notice were there not some reason to believe that in the plots originated at Havana, among the refugees who have asylum there, were ramifications which embraced the resort to assassination as a means of accomplishing their ends. The plot has been so crude, however, and has had so little practical shape, except perhaps the purpose of a few depraved and reckless individuals, that there has been little chance of its execution. Yet it reached the knowledge of this government some time since, and on the morning of the 17th instant four individuals were arrested in this city, three subordinate officers formerly in the so-called imperial service, and a colonel in the present service, who was the officer of the day; and evidence was discovered, I am informed, showing the existence of a conspiracy that was to have taken effect that night, to assassinate the President, the governor of the city, and several of the members of the cabinet, but with what fixed or settled political aim thereafter does not appear, although it is stated a prominent reactionary general was expected to reach the city simultaneously with this movement. The whole affair, however, appears to have had so limited extent here, and to have been of so doubtful accomplishment, except as any individual may find an opportunity to commit the crime of assassination, that it has rather a criminal character solely, than political importance.

The individuals arrested are now undergoing a military trial, by means of which, it is stated, the proofs will be made public.

Rumored movements that were to be attempted at Tampico and at other points, all having a common origin with the refugees congregated at Havana, were part of the schemes which, by the prompt suppression of the affair in Yucatan, and the arrest of the conspirators here, have now come entirely to an end.

There remain pending two movements of some magnitude, which are exclusively of domestic origin, and arise from local questions regarding the governorship, respectively, of the States of Sinaloa and of Guerrero.

The government, which is acting with energy, and appears to be actuated by the fixed determination to use all the military force and all the resources of the national authority to put an end to these attempts to resort to local revolution as a means of redress for local grievances, as also to all other attempts against the constitutional order, has already commenced the movement of troops to the State of Sinaloa, and is preparing to send a force to the State of Guerrero.

There is little doubt both these movements, as well as any others, should they occur, will be speedily put down, but these efforts cost time and money that should be only required for the work of reorganization and material development.

The people of this country long for peace and security. No new politi-

cal flag can now be raised with any possible chance of success. Only a few refractory leaders who may have ranked with the liberals during the recent struggle, and the reactionary plotters abroad, remain as disturbers of the public order.

Within this limit are the practical difficulties of administration, which are quite sufficient for the attention of this government, and in which it needs the encouragement of all who believe that in the independent prosperity of this country lies the highest good of others as well as of itself.

I have the honor to be, very respectfully, your obedient servant,
E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Plumb to Mr. Seward.

No. 83.]

LEGATION OF THE UNITED STATES,
City of Mexico, February 29, 1868.

SIR: I have the honor to transmit to the department herewith, translation of a decree published by this government, opening to foreign commerce and the coasting trade a new port called Puerto Angel, on the Pacific coast, in the State of Oaxaca.

This port, it is stated, is favorably situated for the commerce of that State, which is now taking the direction of the Pacific, instead of passing by way of Vera Cruz, as heretofore.

I am, sir, very respectfully, your obedient servant,
E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Translation.]

DEPARTMENT OF TREASURY AND PUBLIC CREDIT.—SECTION 1.

The supreme magistrate of the republic has thought proper to address to me the following decree:

The citizen Benito Juarez, constitutional President of the United Mexican States, to the inhabitants of the same, maketh known:

That in use of the faculty conceded to me by fraction 14 of article 85 of the constitution, I have thought proper to decree the following sole article:

The port called Puerto Angel, situate in the Pacific, on the coast of the State of Oaxaca, is opened to foreign and coasting trade.

Wherefore, I order that this be printed, published, circulated, and due compliance given to it.

Dated in the palace of the federal government in Mexico, the 30th of January, 1868.

BENITO JUAREZ.

The Citizen MATIAS ROMERO, *Minister of Treasury and Public Credit.*

And I communicate the same to you for the corresponding effects.
Independence and liberty. Mexico, January 30, 1868.

ROMERO.

Mr. Plumb to Mr. Seward.

No. 87.]

LEGATION OF THE UNITED STATES,
City of Mexico, March 12, 1868.

SIR: With my dispatch No. 78, of the 14th ultimo, I transmitted to the department the official report of a public sale held by this government, at which, with funds taken from the agents of the English and Spanish convention bondholders, and a further sum from the national treasury, bonds of those two debts were bought up by this government at a depreciated value.

I have now to transmit copy and translation of an official order directing another similar public auction to be held with a certain sum of money assigned from the national treasury, and also copy and translation of the officially published result, in which, as before, the difference between the par of the said bonds and the depreciated price at which they are now bought up by the government, is set down as gain to the national treasury.

The public bonds of this government are depreciated because the interest upon them has not been paid for years. If there are funds at its disposal, it would seem that they should be first applied towards the payment of interest, and until that is paid cannot rightfully be used for the purchase of the depreciated principal.

But, aside from this question of morality and public good faith, there is a question of sound policy involved in these transactions.

Every dollar this government can raise, and more, is now required, and will be for some time to come, in the work, very far from being completed, of re-establishing and maintaining public order.

Until very great changes shall be introduced into its revenue system, commerce relieved of the present restrictions that retard it, and public order more firmly established, the means of this government will, in my judgment, be greatly inadequate to the mere expenses of its existence, and those more pressing demands which every government must liquidate in full.

If there are any funds after meeting these primal necessities, it would seem that such funds should then be applied, in the first instance, under the peculiar circumstances of the present case, to the payment of the claims of citizens of the United States.

As a general system, it appears necessary that all of the obligations of this government, both foreign and domestic, should be called in and revised, and then consolidated in one or two sole debts. The great effort then should be to regularly and promptly pay the interest thereon. In this way alone can the credit of this government ever be raised.

The use now of funds to buy in at a depreciated rate its own public securities, upon which the interest has been unpaid for years, appears to be a proceeding not only useless in itself, for, if let alone, the amount applied would not in twenty years effect the purpose, and now does not even equal the accruing interest, but also at variance with every dictate of sound policy and public good faith, and peculiarly unjust towards citizens of the United States, whose claims have been waived for a time as a means of special relief to Mexico.

I have the honor to be, very respectfully, your obedient servant,
E. L. PLUMB.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[From the Diario Oficial, city of Mexico, March 4, 1868.—Translation.]

DEPARTMENT OF TREASURY AND PUBLIC CREDIT.—SECTION 2.

The citizen President of the republic, desiring that the auctions for the redemption of the national debt shall be continued in conformity with the directions that have been given, has thought proper to direct that on Saturday, the 7th instant, the third auction for the interior debt shall take place, in which thirty thousand dollars shall be assigned for the redemption of the same, admitting in it all the credits specified in the law of the 30th of November, 1867.

On Monday, the 9th instant, the second auction for the bonds of the extinguished Spanish convention shall take place, and the following day the second for the bonds of the extinguished English convention.

The President has directed that there shall be assigned at least the sum of twenty-five thousand dollars for each one of these two auctions.

The President also desiring that the benefits which result from these auctions shall be within the reach of all citizens, has thought proper to direct that the fund assigned for the auction of the 7th instant shall be divided in lots of five hundred to one thousand dollars, and that there be admitted in it credits of a less quantity.

Independence and Liberty! March 3, 1868.

The Citizen GENERAL TREASURER OF THE NATION.

ROMERO.

MEXICO, March 3, 1868.

A true copy.

J. M. GARMENDIA, *Chief Clerk.*

[From the Diario Oficial, city of Mexico, March 11, 1868.—Translation.]

Result of the auction that has taken place to-day for bonds of the Spanish convention.

The citizen M. Goytia sold at 13½ per cent. of payment.....	\$180, 245 13
Value in money.....	25, 000 00
Gain.....	155, 245 13

MEXICO, March 9, 1868.

M. P. IZAGUIRRE.

Result of the auction that has taken place to-day in this general treasury, of the sum of \$25,000, destined to the redemption of bonds of the extinguished English convention.

The citizen Ramon Rodriguez sold at 33 per cent.....	\$75, 757 57
Which amounts to.....	25, 000 00
Gain to the public treasury.....	50, 757 57

MEXICO, March 10, 1868.

M. P. IZAGUIRRE.

Mr. Plumb to Mr. Seward.

No. 89.]

LEGATION OF THE UNITED STATES,
City of Mexico, March 14, 1868.

SIR: In my dispatch No. 48, of the 13th of December last, I called the attention of the department to a decree issued by this government, establishing a separate tariff for this city upon national and foreign effects.

I have now to transmit to the department copy and translation of a

decree issued under date of the 4th instant, by the legislature of the State of Guanajuato, establishing a separate tariff for that State.

It will be observed that, under the provisions of this decree, articles 2 and 5, foreign cotton goods and yarns consumed in that State will now have to pay a duty of five cents per pound, in addition to the duties on their importation established by the national tariff.

All other foreign effects, except those enumerated in the free list of the national tariff, are to pay, under this decree, five per cent. upon their value, appraised in that State.

It is not easy to see where the limit to the burdens imposed on commerce in this country is to be reached, if this system of local duties for every city and State is to be continued.

I have the honor to be, very respectfully, your obedient servant,
E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Decree establishing duties on foreign effects in the State of Guanajuato.

[Translation.]

The citizen General Florencio Antillon, constitutional governor of the free and sovereign State of Guanajuato, to the inhabitants of the same, be it known:

That the congress of the State has decreed the following:

The second constitutional congress of the free and sovereign State of Guanajuato, considering that the revenue upon which the State can now count is scarcely sufficient for the payment of half of its ordinary and necessary expenditures:

That in consequence of the law of classification of revenues of the 12th of September, 1857, the derogation of which this honorable congress has asked of the sovereign congress of the union, it is an absolute necessity, until such decision as may be proper is had, to provide resources to cover the deficiency, as otherwise it will be impossible to continue the public administration, and the State will cease to figure as a member of the Mexican Confederation, because without public revenue it cannot maintain its functions:

And that the State should contribute what is necessary for the expenses of its administration, decrees:

ARTICLE 1. Foreign effects introduced into the State shall pay a duty of five per cent. The basis for the collection of this impost shall be that which now serves for the collection of the half per cent. of the department of Fomento.

ART. 2. Cotton goods and yarns consumed in the State shall pay as excise duty, five cents per pound.

ART. 3. Cloths, cassimeres, and carpets of national manufacture, consumed in the State, shall pay ten per cent. upon appraised value, which shall be the current market price at wholesale of the place.

ART. 4. Once that the effects spoken of in the preceding articles shall have paid in the capital of the State the impost now decreed, they can proceed freely to any point within the same.

ART. 5. Foreign cotton goods and yarns shall pay solely the impost provided in article 2.

ART. 6. Quicksilver and other effects declared free in the tariff of maritime and frontier custom-houses will not be subject to the impost spoken of in article 1st of this decree.

Let the same be communicated to the governor of the State, who will cause it to be printed, published, and duly complied with.

Dated in Guanajuato, March 3, 1868.

JUAN B. CASTELAZO, *President.*
JOSÉ BRIBIESCA SAAVEDRA, *Secretary.*
ANTONIO RINCON, *Secretary.*

Wherefore I order that it be printed, published, and circulated for its due compliance.

Palace of the government of the State in Guanajuato, the 4th of March, 1868.
FLORENCIO ANTILLON.

FRANCISCO GARCIA, *Secretary.*

Mr. Plumb to Mr. Seward.

No. 92.]

LEGATION OF THE UNITED STATES,
City of Mexico, March 23, 1868.

SIR: I have the honor to transmit to the department herewith, copy and translation of remarks made by the minister of treasury, Mr. Romero, in the Mexican congress on the 17th instant, on the subject of the payment of interest on their public debt.

The provisional fiscal estimates were under discussion, and the second article, as proposed by the committee, provided that the excess of the public revenues, after covering the amounts assigned to the different departments of the government, should be applied to the payment of the interest on the consolidated national debt and the cancellation of the floating debt.

This was opposed by Mr. Romero, in the name of the government, who urged that in place of paying the interest the government should be permitted to permanently continue the system of public auctions for the buying up of their bonds, such as have recently taken place, and to which I referred in my dispatch No. 87, of the 12th instant.

The fiscal estimates, I believe, go over to the next session before being finally acted upon, but this manifestation of the disposition of the executive may not be without importance both as regards the action of congress and the bearing it may have upon the foreign relations of this republic.

I am, very respectfully, your obedient servant,

E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[From the congressional report published in the *Diario Oficial*, city of Mexico, March 20, 1868. Session of the 17th of March.—Translation.]

The Minister of Treasury, Mr. Romero. * * * * The government also believes that it is its duty to state, that the terms in which article 2 of the project of law (provisional fiscal estimates) is conceived, lend an ambiguity, which it would be convenient to explain and correct, before it has the force of law. According to the literal and more evident tenor of said article, it should be understood that the auctions for the cancellation of the public debt that have been decreed by the government, and that are taking place with such good results, cannot continue. The article states that the excess that there may be in the public revenues, after covering the portions assigned to each department of the government, shall be applied to the payment of the interest on the consolidated national debt and the cancellation of the floating debt. As the debt, called until now Spanish and English, is represented by bonds which bear interest, it appears natural to classify it as consolidated debt, and in this case nothing more could be done with it than to pay the interest, and for the same reason suspend the auctions for its cancellation, which have given so good result until now.

Nor will it be possible to assign any sum to the cancellation of the national floating debt, supposing that there has to be paid first the interest on the consolidated debt, and this, in which would be included, besides the debts represented by the bonds of the extinguished Spanish and English conventions, all the bonds of the debt called the interior debt, and those of the debt contracted in London, which alone amount to a very considerable sum, would not leave of course anything with which to attend to the cancellation of the floating debt, which would result in evident prejudice to the national creditors, and especially to those of a privileged character.

The government would consider it a grave evil if congress should direct the suspension of the auctions for the cancellation of the national debt. In the two months in which these have been tried, they have produced the most satisfactory results.

With great gain to the creditors, and evident benefit to the treasury, there has been cancelled up to now more than half a million a month of the public debt, and if this

can be continued, at the end of a few years the debt will be seen very considerably reduced or entirely extinguished.

A member of the committee has stated informally to the executive, that, even if article 2 should be approved in the terms proposed, the auctions for the bonds of the extinguished Spanish and English conventions being terminated which consolidated them and gave them the character of an international debt, not having become again debts exclusively national, in the adjustment of the interest and cancellation of which the government does not propose to admit the intervention of any foreign power they have ceased to have the character of consolidated debt and have become again floating debt.

This interpretation appears to the government very forced, and exposed to very serious inconveniences, and for this reason it would prefer without hesitation, if such is the disposition of the committee, that another wording less ambiguous should be adopted, and in which the intention of the chamber might be more clearly seen.

Although these objections may be considered as directed against certain particular articles of the project of law, and not against the project in general, I have believed it convenient to make them now, with the reservation of amplifying them when the project of law is discussed in detail, in order that they might be had in view in deciding whether the said project should be admitted to discussion or not.

Mr. Plumb to Mr. Seward.

No. 93.]

LEGATION OF THE UNITED STATES,
City of Mexico, March 23, 1868.

SIR: I have the honor to transmit to the department herewith, translation of an editorial published in the official paper of this government on the 21st instant, entitled "Foreigners in Mexico."

I am, very respectfully, your obedient servant,

E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[From the Diario Oficial, city of Mexico, March 21, 1868.—Translation.]

FOREIGNERS IN MEXICO.

We have no idea of any country in the world in which, with the character of such, there are a greater number of foreigners than in our young republic, notwithstanding its exaggerated backwardness, its revolutions, and its inconveniences.

Our independence scarcely consummated, our ports were opened to the commerce of all countries, and the rigorous monopoly established by the dominators having ceased, all in conformity with the new and liberal institutions adopted by the country, necessity and the eagerness for a fortune, which rarely and with a thousand anxieties can be realized in Europe, attracted to our soil large companies of individuals from all parts of the globe, animated by the not exaggerated riches and beauty of the new world, and which at another period had already led the Conquistadores to subjugate and sacrifice a free people; riches and beauty perhaps fatal to the young republic.

From this moment the monopoly ceased to be solely Spanish, in order that it might be availed of by foreign individuals, and of all nationalities, as the objection to which we had been condemned by a domination of three hundred years had left us impoverished, and without the fitness that justly should have been given to us for the exercise of the arts, of commerce, and the sciences.

The generous disposition which distinguishes us, the natural ignorance of an infant people, educated in darkness, and which almost in their cradle, as Hercules in the fable, had destroyed the serpents who threatened their existence; the noble sentiment of fraternity which animated us, and the consideration inspired by the illustration and progress of the old countries of Europe, led our country, which yet retained upon its shoulders the simple tunic of infancy, to extend, with the candor and lack of judgment inherent to its age, a generous hand to each one of those who, in the garb of a friend, arrived asking of it hospitality, which was conceded with all the effusion of its affection, and opening frankly its store, it placed them at the table, where they were waited upon as if treating of the absent brother returning to the hearth he had abandoned.

Conduct noble and just without doubt, whatever may have been the results it has produced, as it was what corresponded to a great and generous people, who having just destroyed the yoke of slavery, and free from the odiums of race, which might well have left in their heart a long and painful remembrance, and still wearing the laurel of victory, forgot past resentments and gave the beautiful example of this great idea of the century: liberty, equality, fraternity.

Under such favorable auspices our guests did not delay in finding convenient means not only of meeting the necessities of life, but of rendering it comfortable and easy, as their labors or their industry found in the sons of the country their most sincere and ardent protectors. If it were possible to make a calculation of the fortunes, and above all of the time in which they were improvised, it would be curious and surprising.

All the elements were in favor of the foreigners; even our fiscal laws were almost null, whenever any individual of European nationality protected by them when commencing and realizing his calculations and operations, appealed to his nationality to make light of them when from abuses or fraudulent transactions the authorities attempted to cause them to be respected, as was just, punishing the culpable.

The examples of this sort are too numerous and public to detain ourselves in citing them, and it is truly melancholy that ingratitude, calumny, and injustice has been the payment of our consideration and generosity.

We have sometimes heard it said that there are no debts of gratitude or of consideration that are due to a country in which, if it is true life has been passed, and more than sufficient has been acquired to provide for the future, it is equally true these advantages are acquired by means of labor and of industry.

Conceding that this is always so, which unfortunately is not exact, it is necessary to admit that there are many countries in which honesty, labor, and industry are not sufficient to save millions of men from hunger, from misery, and crime, and who with difficulty can leave their native land, their fathers, or their sons, and the advantages, conveniences, and inestimable benefits of tranquillity and peace that may be enjoyed in an established country, if these are within their reach, to launch out upon the eventualities and the cruel caprices of fortune.

What stupid folly that would lead a man to leave such precious and positive advantages, to go in pursuit of doubtful expectations, were it not from imperious necessity, or the desire to save themselves from the horrible yoke of servitude and misery!

We are very far from blaming any one; there are not wanting honorable exceptions among the foreigners; but in exchange, what deceptions, what bad faith, and what unjust ingratitude! All have been witnesses of the terrible movements, when a foreign nation, patronizing the greatest and worst of crimes, landed on our shores to rob an inoffensive people of their liberty, overthrow their institutions established through their blood, to realize infamous purposes, and elevate the intrusive, blind instrument of their criminal projects.

A cry of indignation resounded throughout all the limits of the republic; the name of France was pronounced with just maledictions, yet meanwhile the French colony, living tranquil and at ease among us, could sleep at night without fear. The good sense of the people and the vigilance of the authorities guarded their slumbers. Later the fortune of arms refused to the sons of Mexico its favors; our heroes, unfortunate in a hundred battles, succumbed, and the soldiers of the tyrant of France entering, proud of their work, by the streets of the capital, found them tapestried with silk and covered with flowers by the hand of their compatriots, aided also by the traitors. Neither the one nor the other attempted to conceal their pleasure, enjoying the misfortune of a country where they had found hospitality and affection, enjoying also the cruel and numerous executions which stained with blood all our soil, while, meanwhile, the executioners spoke of these same compatriots resident in Mexico with a strange intolerance, not failing to call them rubbish and canaille.

But the day of justice arrived; the chain of crimes drawn out by the executioners was to be destroyed by the hand of justice and of liberty; the French ships in fright and shame fled from our shores; the farce terminated in the midst of ridicule, and the victorious arms of the people inundated the capital.

What of the French colony? What of those who adorned their balconies with silk, showering flowers upon the streets to receive their conquering brothers? Not a cry, nor an insult, nor a complaint.

Where can such another example be found? What pride for Mexico! what honor for the authorities!

Shall we look for the example in any country in Europe and in analogous circumstances? Let the Mexicans answer who were resident in Paris at the arrival there of the news of the punishment and end of the intruder.

The foreigners among us have too many proofs that they can live tranquilly; abandoned in an unworthy manner in a difficult situation, the authority has watched over their security the same as over the native citizens, giving an example which should put its unjust enemies to the blush.

The supreme government which disregards unjust reproaches; that has placed itself

so high in the universal esteem notwithstanding animosities and calumny, will continue being the guarantee of all honorable and pacific citizens, whatever may be their nationality; but we are sure it will cause itself to be respected for its character and energy, it being only the vicious and criminals who are menaced and punished by the law.

Mr. Seward to Mr. Plumb.

No. 47.]

DEPARTMENT OF STATE,
Washington, March 25, 1868.

SIR: I have received your dispatch No. 81, of the 24th of February, which contains a very interesting review of the proceedings of the government for the restoration of permanent peace with law, order, and public credit in Mexico. We have been pained, though after our own experience we cannot say we were astonished, at the recent attempt to assassinate the President of that republic. In behalf of the President, you will express to President Juarez felicitations upon his escape from that imminent peril, and you may, at the same time, assure him that the government and people of the United States sincerely sympathize with him in his arduous and enlightened labors directed to the retrieval of the fortunes of the republic.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

EDWARD L. PLUMB, Esq., &c., &c., &c.

Mr. Plumb to Mr. Seward.

No. 94.]

LEGATION OF THE UNITED STATES,
City of Mexico, March 28, 1868.

SIR: In the early part of this month, after the discovery of a reported conspiracy at Guadalajara, in which it was stated, with what foundation I am not informed, that some foreigners were engaged, the government here gave orders under which, since that time, many arrests of foreigners in various parts of the country have taken place.

The number in this capital alone has amounted, as I have been informed by Mr. Lerdo de Tejada, to twenty-eight, of whom, however, seven were speedily placed at liberty, it appearing there were no tenable grounds for their detention.

Soon after the fact of such arrests became known, I called upon Mr. Lerdo de Tejada to inquire what were the grounds for these proceedings, and to what extent the government proposed to go. He informed me that since the issuance of the commutation order of the 31st of October last, which required all foreigners who had been engaged in the civil or military service of the so-called imperial government to leave the country, many who were included in the terms of that order, and who had been soldiers, had remained in the country; that these, with deserters from the French army, of whom there were some numbers, were being seduced to join in movements to disturb the public order; and that there were also some bad Spaniards in the country who were involved in many of the grave crimes, as kidnapping, &c., now so prevalent.

That for these reasons the government had determined to arrest such persons and send them out of the country; but that, as he had assured

me several months before, it was not the intention to arrest those who were engaged in pacific pursuits and could show a good character, of those who might at one time have been engaged in the intervention, many of whom have married here, and, with others, are occupied in useful employments; nor was it the intention of the government to disturb in any way the foreigners settled in the country who have in no way been engaged in political affairs.

Later I was informed of several arrests of those not included in that order, one of whom, a Frenchman, had only a few months since arrived in the country.

On stating these facts to Mr. Lerdo de Tejada, these persons were released, as were also others included in the number before referred to as having been released, their friends having made representations to the government in their behalf.

Yet, in the execution of the orders that have been given by the government in this matter, there has been a degree of irresponsible and arbitrary action, by the governor of this city, which is in the highest degree reprehensible, and at one moment considerable alarm was produced among the pacific foreign residents.

With regard to this action, and the arrests above mentioned, I have, under the position taken by this government, only been able to use my private good offices; but I have felt it my duty to speak strongly to Mr. Lerdo de Tejada with regard to the necessity of including in such action as might now be taken by the government, only those against whom there were clear proofs of improper conduct.

That, with reference to any who were now engaging in movements against the public order, or in crimes of the kind he had referred to, the government would be perfectly justified in proceeding with the utmost rigor, but that it was better many such guilty persons should escape than that one innocent person should be arrested, especially in the case of those who had not taken any part in the intervention.

The observations I have made, I have reason to believe, have led the government to be more careful with regard to the action of its subordinates.

So far as the cases herein referred to are concerned, in whose behalf my good offices have been appealed to, all are now terminated satisfactorily with one exception—the case of a Spanish subject, against whom the government insists it has good ground for proceeding.

The number of foreigners remaining in the country, however, of those compromised with the late intervention, appears to me entirely too small to require that, for the safety of the government now, any revival at this late day of measures of rigor against them should be necessary.

I have the honor to be, very respectfully your obedient servant,
E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Plumb to Mr. Seward.

No. 95.]

LEGATION OF THE UNITED STATES,
City of Mexico, March 30, 1868.

SIR: I have the honor to transmit to the department herewith translation of a project of law introduced in the Mexican congress on the

16th instant, which has for its object to place all foreigners resident in this country, except the natives of those countries that have maintained uninterrupted treaty relations with the republic, under the same obligations as Mexican citizens.

I am, sir, very respectfully, your obedient servant,

E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

PROJECT OF LAW REGARDING FOREIGNERS.

[From the Siglo XIX, city of Mexico, March 17, 1868.—Translation.]

CONGRESSIONAL REPORT—SESSION OF MARCH 16.

Mr. Gudiño y Gomez presented the following project of law, which was read the first time:

ARTICLE 1. Foreigners domicilated, or that in future may be domicilated in the republic, by this sole act shall be considered as Mexicans, and subject to the obligations of the latter, without the necessity of naturalization.

ART. 2. Foreigners, natives of the countries with which the republic now has uninterrupted treaties, are excepted from the dispositions of the preceding article, and will continue enjoying the privileges of their nationality authorized in the respective treaties so long as these remain in force.

ART. 3. Foreigners not comprehended in article 2 are not excepted from the provisions of article 1, even if they place themselves under the flag of friendly nations.

ART. 4. The executive will make the declarations required for the compliance with this law.

Hall of the sessions of the congress of the Union, Mexico, March 16, 1868.

GUDIÑO Y GOMEZ.

[From the Siglo XIX, city of Mexico, March 19, 1868.]

CONGRESSIONAL REPORT—SESSION OF MARCH 18.

The project with reference to foreigners introduced by Mr. Gudiño y Gomez, published in our issue of the 17th, was read the second time.

Admitted to discussion, it was referred to the committee on foreign relations.

Mr. Plumb to Mr. Seward.

No. 96.]

LEGATION OF THE UNITED STATES,
City of Mexico, March 30, 1868.

SIR: On the 27th instant an amendment to the federal constitution was introduced in the Mexican congress, by the majority of the deputation from the State of Queretaro, the purpose of which is to permit the re-establishment of prohibitions in commerce with this country, on the ground, alleged in the preamble, that, since the free introduction of all foreign effects into the republic has been permitted, the industry of the country has commenced to decay, and the restoration of restrictions is urged as the remedy.

Mr. Montes, one of the members who presented this proposition, has been ranked among the most liberal and enlightened of the public men of Mexico.

I transmit to the department herewith translation of the proposed amendment and of the article of the constitution referred to.

I have the honor to be, very respectfully, your obedient servant,
E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

PROPOSITION TO AMEND THE CONSTITUTION SO AS TO PERMIT PROHIBITIONS.

[From the Siglo XIX, city of Mexico, March 28, 1868.—Translation.]

CONGRESSIONAL REPORT—SESSION OF MARCH 27, 1868.

Messrs. Montes and Gudiño y Gómez, the majority of the deputation from Queretaro, presented the following project of law:

“Since there has been permitted in the republic the free introduction of all foreign effects without any limitation whatever, our industry commenced to decay, and to-day it is found in such prostration that our people lack employment and our merchants are now nothing more than faithful resellers of foreign manufactures, with the cheapness of which our own cannot compete.”

“The remedy is efficacious, but a little late. It consists in a constitutional amendment, which we initiate in the following proposition, which we respectfully beg the chamber will be pleased to admit, and refer to the corresponding committee, viz: the clause in article 28 of the federal constitution which says, ‘Nor prohibitions in the character of so-called protections to industry’ shall be suppressed.”

Referred to the committee on constitutional points.

Article 28 of the federal constitution.

“Monopolies shall not be established, nor places for the sale of privileged goods, nor prohibitions in the character of so-called protections to industry, excepting solely those relative to the coining of money, to the mails, and to those privileges which, for a limited time, are conceded by the law to the inventors or perfectors of any improvement.”

Mr. Plumb to Mr. Seward.

No. 97.]

LEGATION OF THE UNITED STATES,
City of Mexico, March 30, 1868.

SIR: I have the honor to transmit herewith translation of the discourses pronounced by the President of the republic and the president of congress at the closing of the first period of the sessions of that body, which took place yesterday.

The expectations that have been entertained of the adoption of important measures during the session now closed do not appear to have been realized.

Congress meets again in a further session, limited by the constitution to sixty days, on the 1st proximo.

I am, sir, very respectfully, your obedient servant,
E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[From the *Diario Oficial*, city of Mexico, March 29, 1868.—Translation.]

CONGRESS.

At the solemn act of the closing of the sessions of congress, which took place to-day, the President of the republic pronounced the following discourse:

CITIZEN DEPUTIES: You now terminate the first period of your sessions, to return again to dedicate yourselves to your important labors within a few days. I come with great satisfaction to felicitate you in these acts, which present a high testimony of the regular march of the public powers.

It is pleasing to observe that, the conflicts of war scarcely passed, the normal regimen of our institutions has been established anew with but few difficulties.

The people who combatted without rest to defend these institutions are now enjoying their benefits, for they assure to all their rights, and will procure the highest good, being faithfully respected.

Of the disturbances which have occurred in some places, some have been rapidly terminated, and we have to trust that the others will be soon suffocated.

The republic desires to enjoy peace under the protection of the constitution and the laws. To repress those who attempt to override them the government does not, and ought not, to doubt that it can count upon the opinion and the aid of the immense majority of the citizens.

A prolonged war left an inevitable legacy of elements that for some time will strive to disturb society. We can congratulate ourselves that these are not many, nor have they so far caused any grave peril. However, the lessons of the past should serve to place us on our guard, that they do not occasion greater evils in the future.

The government will exert itself to comply with the first of its duties, which is to maintain the public peace with all the energy of the means of action that it has in its hands, and all the confidence that should be inspired by the desire and the right of the people that their agents should give them perfect security in all their social interests.

The first pledge of peace is the harmony of the public powers.

The government is full of gratitude for the confidence that has been given to it by congress, and it will always endeavor to merit it respecting the decisions which, with their patriotism and wisdom, may be taken by the representatives of the people.

The president of congress, Mr. Iglesias, said:

Congress, in closing to-day its sessions to return to open them again within three days, proves by this single coincidence how sincere and how intense is the desire with which it is animated, to fully comply with the arduous duties which have been imposed upon it by the confidence of the people.

When congress voted the prorogation of the first period of its sessions, notwithstanding the inconvenience of joining it with the second, to form a total of more than half a year, it manifested by this unequivocal proof that it did not wish to avoid either labor or fatigue in order to expedite the dispatch of the affairs intrusted to its hands.

Notwithstanding this good will, the result of the legislative labors has not been as satisfactory as could have been desired. But neither can this be considered as an evil of grave consequences, nor still less can it be attributed to indolence or the negligence of the national representation.

In what relates to the latter we have well-founded motives for congratulation.

The meeting of congress has been of itself an event of the greatest importance.

The representative system, interrupted by the unjust war of intervention by France, and afterwards by the grave peril in which the independence of Mexico and its cherished institutions were placed, the re-establishment of constitutional order demonstrates that our society has returned to its support.

Placed again in the way of consolidating itself, it will be sufficient now if the inestimable benefit of peace is not again lost, in order that the germs of prosperity should be developed, which virgin and unfruitful are borne in its bosom, opening thus the doors to the grand future that is reserved for it.

For what congress has yet to do there are already prepared abundant materials.

With reference to various affairs of great public interest, the respective committees have already prepared reports; others are in course of preparation, and will soon be presented in order that with the first they may be discussed by this assembly, and determined as shall be deemed best for the interests of the nation.

Among these affairs, that relative to the preservation of the public peace will occupy a preferential place, in virtue of the necessity which exists to repress with all energy the disturbances which affect the security of social interests.

The harmony of the public powers, so indispensable for the well-being of society, will be securely preserved, because they are animated with the most fervent desires to comply with the obligations imposed upon them. Thus it will be realized that the Mexican republic lives under the protection of the constitution and laws.

The disturbances which have occurred in some localities must speedily terminate,

because they do not arise from defects in our political or social organization, which might give them a permanent character. The accidental causes of these passing disturbances removed, the republic will realize the abundant fruits of the definitive triumph obtained in the struggle which Mexico, as all the peoples of the world, has had the necessity to undertake in order to open its way in the path of progress and of civilization.

Mr. Plumb to Mr. Seward.

No. 101.]

LEGATION OF THE UNITED STATES,
City of Mexico, April 2, 1868.

SIR: I have to transmit herewith translation of the discourses pronounced by President Juarez and the newly-elected president of congress, at the opening of the second period of sessions, which took place yesterday.

These discourses as well as those delivered at the close of the late session on the 29th ultimo, transmitted with my dispatch No. 97, should receive your perusal, as, while they announce no new points of policy, they throw some light upon the present situation.

I have the honor to be, very respectfully, your obedient servant,
E. L. PLUMB.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[From the Diario Oficial, city of Mexico, April 1, 1868.—Translation.]

OPENING OF THE SESSIONS.

To-day has taken place the installation of congress, to commence its labors in the second period of sessions.

The President of the republic pronounced the following discourse:

CITIZEN DEPUTIES: Very just is the precept of the constitution by which the second period of the sessions of congress, which commences to day, is destined in preference to the examination and the voting of the fiscal estimates.

It belongs to the executive to form them and to propose them, on account of the greater knowledge it should have of the facts and the data which it has with reference to the necessities of the administration; but it belongs to the people, by means of their representatives, to examine them and to approve them.

It is in the essence of the interests and of the most inalienable rights of the people to determine what they shall contribute, and how it shall be invested in the public expenses.

War has prevented this being done before, as for long periods it impeded the meeting of congress, and when this has taken place the disorganized state of society has not permitted the regular collection of the revenue, nor the expenses to be systematized.

Since the promulgation of the constitution this is the first time that congress is proceeding to exercise one of its most important prerogatives.

In the preceding period of sessions, however, a provisional estimate was voted upon the project presented by the government, which hastened to give its opinion in order that the decree might be issued. The labors of the committee of congress with reference to the project of the definitive estimates presented by the government are also well advanced. It is satisfactory to the government to have been able to show, in affairs pertaining to the public finances, its zeal in the compliance with its duties.

In the nine months that have passed since it returned to this city, the payments have been made with exactitude in all the branches of the administration, attending at the same time, so far as possible, to the payment of the public debt.

We have commenced in this manner to enjoy the benefits produced by peace.

Let us trust that, uniting our efforts, we shall succeed in maintaining it. It depends upon the union of the Mexicans who with good will desire the good of the country.

Be pleased to receive, citizen deputies, my felicitations upon seeing you again assembled to discharge your august functions.

The president of congress, Mr. Juan C. Doria, said:

Congress opens to-day the second period of its ordinary sessions, which in preference is to be occupied with the important affairs of the fiscal estimates.

To that it will dedicate all of its attention, from the intimate conviction which it has that the proper adjustment of the public finances is indispensable for the success of the public administration.

The congress of 1867 congratulates itself that it has fallen to it to be the first to give compliance to one of the precepts of the fundamental code, and by this sole act it can be seen that in the republic, after the war which it has had to sustain against its invaders, the constitutional order has been re-established without controversy or opposition whatever.

The provisional estimate being already voted, congress will not delay in directing its labors to the discussion of the permanent estimate for the expenditures of the federation. It will treat this affair with all the calmness and circumspection which its gravity requires; and its decisions, if not as perfect as may be desired, will not have been dictated by any other motive than a sincere desire for the well being and the prosperity of the country.

It has been very satisfactory to congress to see that, notwithstanding the increased expenses that the government has had to meet in the discharge of a great part of the army, the employes in all branches of the administration have been paid with regularity, and at the same time some sums have been dedicated to the payment of the national debt; and this is so much the more satisfactory to congress, as for this it has not been necessary to celebrate contracts ruinous for the interests of the republic.

The greatest good that a people can enjoy is peace; and the first and the principal obligation of those who govern is to consolidate it, guaranteeing the institutions, and, above all, respecting individual rights.

Congress well knows that the government is animated by the best ideas in this regard, that it will make whatever efforts may be necessary that the public order and peace shall not be disturbed, and that it will take care that the constitution shall be faithfully and strictly observed.

The government, on its part, can rest assured of the efficacious co-operation of the representatives of the people.

Mr. Plumb to Mr. Seward.

No. 103.]

LEGATION OF THE UNITED STATES,
City of Mexico, April 3, 1868.

SIR: In dispatch No. 92, of the 23d ultimo, I referred to the opposition made by the minister of treasury in the name of the government, in congress, to the second article of the provisional appropriation bill, which provided that the excess in the public revenues, after meeting the sums assigned to the different departments of the government, should be applied to the payment of the interest on the national debt; the government desiring that such excess should be applied to the buying in of the debt, and not to the payment of interest upon it.

I have now to transmit herewith translation of the appropriation bill which was finally adopted by congress, and which, as will be seen, was modified in article 2 to conform to the wishes of the executive.

I have the honor to be, very respectfully, your obedient servant,
E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[From the Diario Oficial, city of Mexico, April 2, 1868.—Translation.]

DEPARTMENT OF TREASURY AND PUBLIC CREDIT.

The citizen President of the republic has been pleased to direct to me the following decree:

Benito Juarez, constitutional President of the United Mexican States, to the inhab-

itants of the same; be it known that the congress of the Union has thought proper to issue the following decree:

The congress of the Union decrees:

ARTICLE I. The monthly expenses of the federation will be made in conformity with the following provisions:

1st. There is assigned to the department of relations, for the expenses of administration, the sum of nine thousand three hundred and ninety-five dollars.....	\$9,395 00
2d. That of government, eighty-five thousand and eighty-three dollars thirty-three cents.....	85,083 33
3d. That of justice and public instruction, sixty-six thousand two hundred and sixty-three dollars seventy-three cents.....	66,263 73
4th. To that of fomento, one hundred and seventy-five thousand one hundred and fifteen dollars.....	175,115 00
5th. To that of war, for expenses of administration, five hundred and twelve thousand five hundred and ninety-seven dollars fifty cents.....	512,597 50
6th. For the same, for material and extraordinary expenses, ninety thousand six hundred and twenty-two dollars eight cents.....	90,622 08
7th. For the same, to place five thousand dollars at the disposal of each of the States of Coahuila, Chihuahua, Durango, and Nuevo Leon, for the purpose of the defense of those States against the barbarous Indians, twenty-thousand dollars.....	20,000 00
8th. To that of the department of treasury, for the expenses of administration and pensions, one hundred and eighty thousand four hundred and fifty-eight dollars twenty-one cents.....	180,458 21
Total.....	<u>1,139,534 85</u>

ART. II. The preceding estimates being met, the excess which there may be in the revenue shall be applied to the payment of the national debt.

ART. III. This law will remain in force until congress shall decree that of permanent estimates, in conformity with the provisions of article 69 of the constitution.

Hall of sessions of the congress of the Union, Mexico, March 23, 1868.

JOAQUIN M. ALCALDE,
Vice-President.

FRANCISCO VACA, *Secretary.*
ELENERIO AVILA, *Secretary.*

Wherefore I order that it be printed, published, circulated, and that due compliance be given to it.

National Palace, in Mexico, March 30, 1868.

BENITO JUAREZ.

The Citizen MATIAS ROMERO,
Minister of Treasury and Public Credit.

And I communicate the same to you for your information and the corresponding ends.

Independence and liberty! Mexico, March 30, 1868.

ROMERO.

Mr. Seward to Mr. Plumb.

No. 53.]

DEPARTMENT OF STATE,
Washington, April 13, 1868.

SIR: In your dispatch No. 87, elsewhere acknowledged, you have alluded to the financial proceedings, called by the name of auctions, which have been adopted by the Mexican government for the purpose of purchasing in portions of the consolidated foreign debt of that country. However objectionable the policy of these measures may be, it does not appear that the United States are specially called upon to protest against it, inasmuch as no portion of the consolidated debt thus dealt with was contracted to this government or citizens of the United States. In view of this fact, you raise the question whether the pro-

ceeding is not unequal, by giving preference, so far as the consolidated debt is concerned, to other foreign creditors over United States creditors, whose claims have not yet been established. Such a position would seem ungracious, and it could hardly be assumed without bringing into the question the friendly feelings of the United States towards the republic of Mexico. We are looking forward to a time, not distant, when we can propose a convention for the mutual adjustment and settlement of claims between citizens of the United States and citizens of Mexico. It has not yet been thought expedient to press the subject hitherto, inasmuch as the United States themselves, in view of the derangement of political and financial affairs which was produced by our late civil war, have until now declined to enter into negotiations with any foreign states for adjusting claims for indemnity of their subjects growing out of the transactions of the war.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

EDWARD L. PLUMB, Esq., &c., &c., &c.

Mr. Plumb to Mr. Seward.

No. 110.]

LEGATION OF THE UNITED STATES,
City of Mexico, April 16, 1868.

SIR: On the 21st of last month a conducta, carrying about two millions of dollars, left this city for Vera Cruz.

By an order, issued on the 17th of the month, by the minister of treasury, it was required that federal circulation and export duties should be paid upon the whole sum, in this capital, before leaving, with exception of seven per cent. of the total amount sent, upon which the federal and circulation duties alone would be charged.

The existing export duty is five per cent., circulation duty two per cent., and the federal duty one and three-quarters per cent. As all import duties are now required to be paid in coin, or its equivalent, at the ports, the requirement of the payment of export duties upon coin sent from here to Vera Cruz, whether the same was designed to be exported or not, with the exception of the small amount of seven per cent. of the sums forwarded, occasioned a great deal of unfavorable remark, but was submitted to by the merchants because there was no remedy available.

Coin cannot be sent from here to Vera Cruz by the merchants, except by a government conducta, and in any case federal and circulation duties have to be paid.

On the arrival of the conducta at Puebla, the merchants of that place and correspondents of houses here placed in it further sums of money for remission to Vera Cruz.

On the 21st of March, before the arrival of the conducta at Puebla, the governor of that State telegraphed to the minister of treasury for instructions as to what duties he should collect upon sums placed in the conducta at that city, with the specification of what would belong to the general government, and what to the State.

The minister replied the following day, the 22d, in these words: "All the duties of conductas belong to the general government, and are to be paid at the ports, in conformity with the law.—Romero."

It will be noted that on the 17th, only five days before, an order had

been issued requiring the duties on the funds leaving here to be paid in this capital.

On the same date, the 22d, the minister of treasury instructed the collector of customs at Vera Cruz to collect full duties on funds placed in the *conducta* at Puebla.

The governor of Puebla, it appears, did not obey the order of the minister of treasury, but required the merchants placing funds in the *conducta* at that place to pay there the federal and circulation duties, amounting to three and three-quarters per cent.

On the arrival of the *conducta* at Vera Cruz, the merchants, to whom these orders were unknown, were astonished to find the funds placed in the *conducta* at Puebla a large portion of which was in small coin and not suitable for export, charged not only again with federal and circulation duties, but also with export duty.

After remonstrances made by the merchants at Vera Cruz, and at this place, the government finally relinquished the charge of export duty upon the small coin and sums not designed for export, of the funds that had come from Puebla, but insisted that, as the governor had been instructed not to collect the circulation and federal duties at Puebla, the merchants must pay those duties over again at Vera Cruz, and collect them back from the governor at Puebla, who would be instructed to return them; thus making the merchants, who had no discretion in the premises, responsible, and the sufferers for the failure of the government to exact obedience from its own officer.

And in this manner the matter has rested.

As this affair very clearly illustrates the utter uncertainty and the embarrassment under which commerce labors in this country, and as the injustice manifested in this and other similar acts is alienating from the government its best friends among the merchants, I have thought it desirable to make this reference to the transaction, and to transmit it to the department herewith translations of the orders referred to.

I have the honor to be, very respectfully, your obedient servant,
E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

From the *Diario Oficial*, city of Mexico, April 15, 1868.—Translation.]

Order for payment of duties by conducta.

DEPARTMENT OF TREASURY AND PUBLIC CREDIT.

The citizen President has thought proper to order that the treasure to leave on the 20th instant by *conducta*, for the port of Vera Cruz, shall pay in this capital the respective duties of exportation, circulation, and federal contribution, with exception of seven per cent. of the total amount that may be sent, upon which shall be exacted solely the circulation and federal duty, to the end that the commerce may dispose of that amount in said port as may be most convenient.

Independence and liberty! Mexico, March 17, 1868.

ROMERO.

To the AUDITOR *charged with the administration of the revenue of the district.*

By telegraph the governor of the State of Puebla states to this department, under date of the 21st of March, 1868, the following:

CITIZEN MINISTER: I beg you will have the goodness to state to me what duties are to be collected upon the treasurer that may be placed by the merchants of this place in the *conducta*, which is shortly to pass by this city, specifying what belong to the general government and what to the State.

R. J. GARCIA.

By telegraph it is stated to the governor of the State of Puebla as follows:

All the duties of conductas belong to the general government, and are to be paid at the ports, in conformity with the law.

ROMERO.

MARCH 22, 1868.

[Telegram.]

To the Collector of the Maritime Custom-house of Vera Cruz :

You will collect upon the treasure placed in the conducta at Puebla full duties, and retain the same at the disposition of this department, giving advice of the amount.

ROMERO.

MARCH 22, 1868.

The collector of the maritime custom-house of Vera Cruz states to this department, under date of the 24th of March, 1868, as follows:

CITIZEN MINISTER: I do not know what are the duties you place upon the treasurer from Puebla, under your telegram of yesterday.

I therefore ask that you will advise me in due time, so that I may be able to comply with your order.

J. A. GAMBOA.

To the collector of the maritime custom-house of Vera Cruz it is stated as follows:

MEXICO, *March 24, 1868.*

Upon the treasure leaving Puebla, and that collected by the conducta at other points in its transit from here to your port, you will collect eight and three-quarters per cent., being the duties of five per cent. of exportation, two per cent. of circulation, and one and three-quarters per cent. of federal contribution.

ROMERO.

In a telegraphic dispatch to this department the collector of the maritime custom-house of Vera Cruz, under date of the 25th of March, states as follows:

I will comply with your telegraphic order to collect all of the duties upon the treasure placed in the conducta in its transit from Puebla, which collection, I understand, is to take place, although the permits may show that it has been paid at the point of departure, at least unless you direct otherwise.

J. A. GAMBOA.

By telegraph to this department the collector of the maritime custom-house of Vera Cruz, under date of the 5th of April, 1868, states as follows:

CITIZEN MINISTER: The conducta has arrived, and this custom-house will dispatch it to-morrow. According to the order of the department of the 24th of March, full duties are to be collected here upon the treasure received in the transit of the conducta from the capital to this port; but as in the permits it is stated that the two per cent. of circulation and the federal contribution is already paid, the collection having been made by the officers dispatching the same, acting perhaps under the provisions of the regulations for conductas, I beg that you will be pleased to state to me if, notwithstanding this, I am to exact again the two per cent. and the federal contribution.

J. A. GAMBOA.

To the collector of the custom-house of Vera Cruz it is stated by telegraph as follows:

MEXICO, *April 6, 1868.*

As was opportunely stated to you, you are to collect all the duties upon the treasure placed in the conducta on its transit from here to your port, even though the permits state that the duty of circulation, which ought not to be collected at these points, has been paid.

The proper orders have been given that what has been so collected shall be returned.

ROMERO.

By telegraph it is stated to the governor of Puebla as follows:

It has reached the knowledge of this department that in that State there has been collected upon the treasure which left by the last conducta for Vera Cruz the duty of circulation and the federal contribution; and as these revenues belong to the general government, in conformity with the law of classification of revenues now in force, in virtue of which I timely directed that these duties should be collected in the ports,

the citizen President directs me to state to you that you will be pleased to order the respective officers to return what they have collected under the two per cent. of circulation, and the federal contribution, as it has been determined that the said treasure shall pay all of the duties Vera Cruz.

Independence and liberty! Mexico, April 6, 1868.

ROMERO.

The governor of the State of Puebla, under date of the 6th of April, states to this department as follows:

The duties of circulation and the federal contribution collected upon the treasure which left here in the conducta have been collected, as has been the case with all the preceding, for the federal treasury, as I have taken special care that nothing that belongs to it shall enter the State chest.

The federal contribution just caused will go into the office of stamped paper, and the duty of circulation is in vigorous deposit at the disposition of treasury bureau, to which notice has been given.

The collection was made in punctual compliance with the decrees of the 23d of May, 1853, 11th of July of the same year, articles 12, 13, and 15 of the 12th of September, 1857, and the circular of the 4th of December last, without the employes of the State having used a single cent of the same, nor done more than observe the said supreme dispositions. If, notwithstanding this, and the provisions contained in article 15 of the said decree of the 11th of July, 1853, the citizen President insists that the return of the duties shall be made, I beg that you will be pleased to so state to me.

R. J. GARCIA.

In a telegraphic dispatch to the governor of Puebla it is stated as follows:

MEXICO, April 6, 1868.

From the 15th of October, last year, it was ordered that all the duties of conductas should be paid at the ports, and it has so been taking place; finally, on the 22d of last month, I stated to you by telegraph that the duties of the last conducta which left this city were to be paid entirely at Vera Cruz.

For these reasons, and as the order of October annulled any anterior disposition, it is necessary that you should direct that the duties spoken of in your telegram of to-day shall be returned.

ROMERO.

The governor of Puebla, in a telegram dated the 7th of April, states as follows:

I have no knowledge, nor do I believe that in this government there has been, of the order of the 14th of October, to which your telegram refers. I have, notwithstanding, at once given orders to the administrador of the revenues to make the return of duties that you order, and I will advise you when that operation is concluded.

R. J. GARCIA.

In answer to your telegram relating thereto, dated to-day, and by direction of the President, I remit to you copy of the order of the 14th of October of last year, by which it is provided that all duties caused by the treasure taken by conductas to the ports shall be paid at the ports.

ROMERO.

Independence and liberty! Mexico, April 7, 1868.

The GOVERNOR of the State of Puebla.

The collector of the custom-house at Vera Cruz, in a telegram dated the 7th of April, 1868, states to this department as follows:

CITIZEN MINISTER: The order of the department of yesterday, that I have received to-day, relating to the collection of the entire duties upon the last conducta, will be duly complied with.

My inquiry of the 5th was occasioned by the resistance made by the parties interested to the double payment of duties, that is so far as relates to those of circulation and the federal contribution, which have been paid in the places of the transit where the treasure was entered, it being urged that, having already paid those duties, they could not be comprehended in the previous disposition of your department.

To-day, with the resolution which you have answered, I will oblige them to pay, as there can be no doubt they should, under the understanding that, if they refuse, I will order the treasure upon which the duties are exacted to be deposited in the custom-house, and will not permit its extraction until the duties are satisfied.

The parties interested pretend that there should be extended to them the same grace that was obtained from the government by the commerce of the capital, of the deduction of seven per cent. from the sum which each one receives, and that there shall not

be collected upon this the export duty; and they also solicit that this duty shall not be charged upon small coin which cannot be exported.

As this is not within my faculties to decide, I submit it to the decision of the department, stating at the same time that in some of the permits issued from the capital which contained small coin, it appears that the export was collected.

J. A. GAMBOA.

By telegraph it is stated to the collector of the custom-house of Vera Cruz as follows:

MEXICO, April 7, 1868.

Several merchants of your port have represented to this department that a great part of the sums taken by the conducta, in its transit from Puebla to Vera Cruz, consists in small coin that cannot be exported, and the rest is destined to remain in that port for the payment there of duties caused at the custom-house.

In virtue of this the citizen President directs that you do not collect export duties upon the small coin, nor upon the funds which in the permits are stated to be destined only for that port and not for exportation.

The duties of circulation and the federal contribution collected in Puebla have been ordered to be returned, and the governor of the State advises that he has ordered the same to be returned to the parties interested.

ROMERO.

MEXICO, April 14, 1868.

True copies :

J. M. GARMENDIA,
Chief Clerk.

Mr. Plumb to Mr. Seward.

No. 113.]

LEGATION OF THE UNITED STATES,
City of Mexico, April 20, 1868.

SIR: On the receipt of your dispatch No. 47, of the 25th ultimo, instructing me to express to President Juarez, in behalf of the President of the United States, felicitations upon his escape from the peril of the recent conspiracy to assassinate the President and other members of this government, I sought an interview with the President for that purpose, which has to-day taken place, in company with Mr. Lerdo de Tejada.

I have now the honor to transmit to the department, herewith, a translation of my remarks, which were in Spanish, and from memory, on that occasion.

President Juarez, in a few words in reply, expressed his deep acknowledgments for this mark of attention and of friendly interest on the part of the government of the United States, and his desire that the relations between the two countries might in every way be strengthened and rendered more intimate, towards which end his efforts would always be directed.

I am, sir, very respectfully, your obedient servant,

E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. PRESIDENT: When I received information of the wicked conspiracy which threatened, perhaps, the life of your excellency, and of other members of the government, and that was so opportunely frustrated by the vigilance of the authorities, I passed immediately to the department of relations, and to visit your excellency, to express my felicitations, and in anticipation those of my government, upon the fortunate escape from this danger.

Afterwards I communicated this information to the government of the United States, by whom it was received with pain, though, after our own experience, not with surprise.

I have now received the orders of the President of the United States to express in his behalf to your excellency his felicitations upon the escape of your excellency from this imminent peril; and I am authorized, at the same time, to assure your excellency that the government and people of the United States sincerely sympathize with your excellency in your arduous and enlightened labors directed to the retrieval of the fortunes of the republic.

Mr. Plumb to Mr Seward.

No. 114.]

LEGATION OF THE UNITED STATES,
City of Mexico, April 20, 1868.

SIR: In the rebellions that have taken place in the State of Yucatan, the State of Guerrero, and the State of Sinaloa, local questions had been urged as the only motives for revolt, and the leaders in each movement have protested that they still respected the existing federal government.

Now, however, the flag of another revolution has been raised in this State, and the leader puts forward the name of Jesus Gonzales Ortega, formerly chief justice of the supreme court, whom he claims is now the legitimate President of the republic.

The nominal leader of this movement, General Negrete, is a man who has belonged to all parties, and was for a time, during the intervention, minister of war of President Juarez. He has as yet apparently only a few hundred men, while his chief, Gonzales Ortega, is held a prisoner by the government, at Monterey.

With proper energy the movement should instantly be suppressed; but what danger there is lies in the fact that in the present state of discontent all of the disaffected are ready to rally under any plausible flag of revolt, and it is believed there are those even now occupying seats in congress who would be willing to support Ortega for the purpose of opposing President Juarez and his present cabinet.

I transmit to the department herewith translation of communications published in the *Diario Oficial*, addressed to the minister of war, giving an account of two reported actions with Negrete's forces, and of the proposed plan of this movement.

I have the honor to be, very respectfully, your obedient servant,
E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

PRONUNCIAMIENTO OF NEGRETE IN FAVOR OF GONZALES ORTEGA.

[From the *Diario Oficial*, city of Mexico, April 12, 1868.—Translation.]

We publish the following official communication from Colonel Contreras, and also a private letter from that officer to the minister of war.

The government had before sent forces to pursue the bands which Negrete has united, and on learning the present occurrences it has immediately taken the proper measures.

General Velez left this city to-day with additional forces, which, united with those sent before, will make the pursuit effective.

DEPARTMENT OF WAR, CORPS OF LANCERS OF TOLUCA—COLONEL-IN-CHIEF.

As I announced to you in my private communication of this morning, I made my entry into this place at two o'clock in the afternoon. At three, in union with General Galvan, we went out to reconnoiter the suburbs, and outside of the town, in the direction of San

Antonio, towards the east, we discovered a body of cavalry to the number of two hundred and fifty men, under the command of General Negrete, (as we were afterwards informed,) marching upon the place. In the act we countermarched and arrived in the midst of them at the quartel.

The enemy made his principal attack upon this point. Violently organizing a column of thirty men on foot, under my immediate orders, I charged and they were repulsed. Once this was attained, the heights were occupied, and the enemy in his flight occupied the hill of Tezontle, which has been fortified since the time of the empire.

The attack lasted from the hour mentioned until dark.

In our force we have to lament the death of Colonel Manuel Robles, and four wounded and three dead of the troops.

I do not know the loss of the enemy, as he availed of the darkness to retire, leaving in our hands four horses and five muskets.

Independence and liberty! Tulancingo, April 9, 1868.

GERMAN CONTRERAS.

To the MINISTER OF WAR, *Mexico*.

RESPECTED SIR: I have reported to you officially what occurred in the passage of arms which took place to-day, and I have now to refer to the information I have obtained from a captain and a sergeant who were made prisoners by the enemy on Monday last, and placed at liberty in the night of yesterday by General Negrete.

The latter formed all his force on the plains of San Antonio, and, haranguing them, proclaimed for Jesus Gonzales Ortega as legitimate President of the republic, for the true constitution of 1857, and death to the tyrant Juarez and the bandits who surround him.

He placed at liberty the officers, prisoners, telling them not to sustain the usurpers or they would afterwards regret it, as he had more than sufficient elements with which to make war upon the government.

I am informed by the same officers that he is occupied in organizing a battalion in the barancas of San Antonio, Buena Vista, some twelve leagues from this place, and that he is already in considerable force. It is said among them that they expect General Gutierrez, with forty officers, for the complete organization of their forces, and also that they expect a battalion from this capital will join them.

I have this moment learned that they drew off to feed their animals, and they will renew the attack. I have already taken the necessary precautions to frustrate their further attempts.

Without anything more for the present, I repeat that I am, &c.,

GERMAN CONTRERAS.

General IGNACIO MEJIA, *Mexico*.

[From the *Diario Oficial*, of April 19, 1868.—Translation.]

FORCE OPERATING AGAINST THE INSURGENTS.

DEPARTMENT OF WAR, NATIONAL ARMY—GENERAL-IN-CHIEF.

Under date of the 15th instant Colonel German Contreras reports to me as follows:

"I place in your knowledge that at three o'clock of the afternoon of to-day, this place, garrisoned by the corps under my orders, was attacked by the united bands under the command of Negrete, led by Luis Leon, Soto Mayor, Roz, Noriega, and Antonio C., to the number of two hundred and fifty cavalry and seventy infantry, taking possession of the hill of Tezontle, a point fortified since the time of the so-called empire. After three hours of firing the enemy drew off in the direction of Acasuchitlan. Notwithstanding, until this moment I have remained awaiting his movements, and disposed to resist whatever attempt they may again make upon the place.

"The loss of the enemy I cannot state to you at this moment with due detail, but by the marks of blood left in the place they occupied, it must be considerable.

"As soon as I get the data I will give you the full details.

"On our part we have had no loss whatever."

And I transcribe the same to you for your information, having the honor to state to you that no other incident has occurred.

Independence and liberty! Tulancingo, April 17, 1868.

FRANCISCO A. VELEZ.

The MINISTER OF WAR, *Mexico*.

Mr. Plumb to Mr. Seward.

No. 115.]

LEGATION OF THE UNITED STATES,
City of Mexico, April 21, 1868.

SIR: With my dispatch No. 47, of the 13th of December, I transmitted to the department a copy of the decree issued by this government on the 27th of November last, revalidating the rights of the company engaged in the construction of the railroad from Vera Cruz to this capital, which, it was alleged, had been impaired by the obtaining of a prior concession from the so-called imperial government, and I remarked that the greatest public importance of this decree was in showing that capital invested in the vitally important work of railroad building in this country would be respected under all the changes of government that could possibly occur.

Referring to that decree, I have now to state that on the 18th instant, in the Mexican congress, by a vote of seventy-four against forty, a report of a special committee appointed to consider that concession was adopted, which report is accompanied by a resolution declaring the said decree suspended until it shall be revised by congress.

This action, which is the most important that has been taken by the Mexican congress since it assembled, cannot but be attended with serious consequences, both at home and abroad.

The discussion of the report consumed nearly two weeks of the time of congress, of which only about another month remains of the present session, and was very bitter, both against foreigners and against the government.

One prominent speaker concluded his remarks by offering a project of law that the concession should not only be declared null, but that the government should take possession of the road already completed, and that the parties interested be prohibited from applying for this or any other concession whatever.

A prominent journal of this capital, also, since this vote was declared, in eulogizing congress for its action urges that hereafter no contract of any kind be made with foreigners.

Thus a work that is of more practical importance to this country than any political question that can now be agitated is paralyzed, capital is frightened from the country, irritating foreign questions are raised, and steps are taken backward rather than forward by this people.

The action that has been taken by congress with reference to this decree resolves in the affirmative a question that had been supposed to have been fully decided in the negative, that is, as to whether the acts of the government of President Juarez during the exercise of his extraordinary powers were open to revision by congress or not.

The uncertainty to which this will give rise cannot but be unfortunate for this country.

I have the honor to be, very respectfully, your obedient servant,
E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Plumb to Mr. Seward.

No. 117.]

LEGATION OF THE UNITED STATES,
City of Mexico, April 23, 1868.

SIR: I have the honor to transmit herewith translation of a decree issued by this government on the 21st instant, closing the port of Mazatlan to foreign and coasting trade, so long as it is withdrawn from obedience to the government.

I am, very respectfully, your obedient servant,
E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

DECREE CLOSING THE PORT OF MAZATLAN.

[From the Diario Oficial, City of Mexico, April 22, 1868.—Translation.]

DEPARTMENT OF TREASURY AND PUBLIC CREDIT.—SECTION 1.

Under this date the citizen President of the republic has been pleased to address to me the following decree:

Benito Juarez, constitutional President of the United Mexican States, to the inhabitants of the same, be it known:

That, in use of the faculty conceded to me by section 14 of article 85 of the federal constitution, I have thought proper to decree the following:

Sole Article: The port of Mazatlan is declared closed to the foreign and coasting trade so long as it is withdrawn from obedience to the government.

Wherefore I order that this be printed, published, circulated, and due compliance given to it.

Dated at the palace of the federal government at Mexico, the 21st of April, 1868.

BENITO JUAREZ.

The Citizen MATIAS ROMERO,
Minister of Treasury and Public Credit.

And I communicate the same to you for your knowledge and the consequent effects. Independence and liberty! Mexico, April 21, 1868.

ROMERO.

Mr. Plumb to Mr. Seward.

No. 118.]

LEGATION OF THE UNITED STATES,
City of Mexico, April 23, 1868.

SIR: A further auction with the sum of forty thousand dollars, for the purchase of bonds of the English and Spanish convention debts by this government, was held on the 21st instant.

I transmit herewith, for the information of the department, translation of the order directing such auction to be held, and of the official report of the result of the same.

It has been a subject of remark that the only person appearing as a vendor at this sale, for both of these debts, is an individual who is reported to be a confidential agent of government officials.

I have the honor to be, very respectfully, your obedient servant,
E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[From the *Diario Oficial*, city of Mexico, April 12, 1868.—Translation.]

DEPARTMENT OF TREASURY AND PUBLIC CREDIT.—SECTION 2.

The President of the republic directs that on Monday, the 20th instant, the fourth auction shall take place for the redemption of the bonds of the national debt, known as the interior debt, and that on the following day there shall take place the third auction for the redemption of bonds belonging to the extinguished English and Spanish conventions.

For the first of these auctions it is the desire of the President that you shall assign at least the sum of thirty thousand dollars, and for the second the sum of forty thousand dollars, augmenting both of these sums to the maximum fixed by the law, if the circumstances of the treasury will permit.

In all relating to these two auctions you will be guided by the instructions that have been given to you with reference to the preceding.

Independence and liberty! April 11, 1868.

ROMERO.

The TREASURER-GENERAL of the Nation.—*Present.*

MEXICO, April 11, 1868.

A true copy.

J. M. GARMENDIA, *Chief Clerk.*

AUCTION FOR THE PURCHASE OF BONDS OF THE ENGLISH AND SPANISH CONVENTIONS.

[From the *Diario Oficial*, city of Mexico, April 22, 1868.—Translation.]

The general treasury of the nation sends to us for publication the following:

Result of the auction held to-day with the sum of forty thousand dollars, destined to the extinguished English and Spanish conventions.

EXTINGUISHED ENGLISH CONVENTION.

Mr. Goytia sold, at thirty-six per cent., \$41,666 66 for \$15,000 cash.

EXTINGUISHED SPANISH CONVENTION.

The same Mr. Goytia sold, at fourteen per cent., \$178,571 43 for \$25,000 cash.

RESUMÉ.

Amount of bonds canceled	\$220, 238 09
Amount of cash sold	40, 000 00
Gain to the public treasury	180, 238 09

MEXICO, April 21, 1868.

Mr. Plumb to Mr. Seward.

No. 119.]

LEGATION OF THE UNITED STATES,
City of Mexico, April 24, 1868.

SIR: As an authoritative statement of the present situation of this country I transmit herewith translation of remarks made by a government member in the Mexican congress, on the 22d instant, in the discussion of a project of law to suspend certain constitutional guarantees, and to give certain powers to the executive, in order to enable it to act more effectively in the punishment of conspiracies and other offenses against the public tranquillity; of a report with reference to the situation in the State of Guerrero, made by the minister of government to congress on the same day; and of a decree passed by the legislature of

the State of Tobasco, conferring extraordinary powers upon the governor of that State, to the end of enabling him to maintain the public order.

I have the honor to be, very respectfully, your obedient servant,
E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

SITUATION OF THE COUNTRY.

[From the *Siglo XIX*, city of Mexico, April 23, 1868.—Translation.]

CONGRESSIONAL REPORT—SESSION OF THE 22D OF APRIL, 1868.

The report of the committee of government upon the suspension of certain constitutional guarantees being under discussion, Mr. Joaquin Baranda, a member of the committee, said:

No one will deny, sir, that peace and internal tranquillity are the first necessities of society, for without peace no government is possible, without tranquillity there can be no constitution.

And are we in full peace? Has Mexican society completely recovered its normal condition? Is the republic living tranquilly under the shade of its laurels, enjoying the advantages of its late victory? Let us see.

There is Yucatan, where certain bad Mexicans, coming from Cuba, disowned the legitimately constituted authorities, inducing the garrison of the capital to rebel, and overturning completely public order in all the State; and order has not yet been re-established, if we may judge by the last measure taken by the provisional executive suspending the elections.

There is Sinaloa, where Mexican blood is being profusely shed in a fratricidal war.

There is Puebla, where there have been various attempts at insurrection, occasioned by the election for governor.

There is Tabasco, where in less than three months two revolutions have been discovered and happily suppressed, without counting the invasion of the petty leader Juan José Juárez, who, commissioned by the mysterious conspirators of this capital, entered the State after having surprised the island of Carmen and seized the money in the custom house and some material of war.

There is Tamaulipas, where the hydra of revolution threatens to raise its deformed head.

There is Quiroga, seeking to overturn public order in Nueva Leon.

There is Negrete, who invades the state of Mexico with the flag of rebellion in his hand. There are the highways full of kidnappers, thieves, and assassins.

There is the capital itself of the nation, in whose bosom has been discovered, not long since, a wicked plan which had for its object to assassinate the President and other public functionaries, and in whose principal streets are perpetrated frequent and abominable crimes.

There is, finally, Jesus Gonzales Ortega, who has not yet lost the illusion of being the president of the republic, impeaching him who now worthily fills that charge, and publishing his impeachment in various papers, an impeachment which is a voice that says to the discontented, rise in insurrection, you have still an apparent motive for doing so.

Sir, is this peace, is this tranquillity? Evidently, no. What shall be done to obtain that precious good?

Will it be observing strictly the constitution and respecting all the guarantees which it authorizes? No. No one has been punished in Yucatan; Juan José Juárez has not been, nor the conspirators in this capital.

A law is necessary, not so severe in its penalties as swift in its proceedings, that will cause its action quickly to be felt by the culpable.

Society does not punish for the pleasure of punishing; it punishes to restrain, and this justifiable end cannot be attained by delaying the application of the penalty.

These are the powerful reasons, in my judgment, which have obliged the committee to declare in force, for conspirators only, the law of the 25th of January, 1862, suspending as a previous and indispensable measure one of the constitutional guarantees, that of not being tried by special laws or tribunals.

With respect to other offenses, we ask that they shall be tried in conformity with the laws of June, 1861, and December, 1856, as has been provided in resolutions that congress has taken on other occasions of a similar nature.

We have defended amnesty and pardon for past offenses; but without doing violence to our conscience we cannot counsel impunity for crimes that are committed to-day, and that encourage further crimes in the future.

We have believed, and still believe, that the French intervention and the farce of the empire were to be the final admonition to our political enemies, and that overcome, and overcome absolutely on every field, they would now merit rather the clemency of a pardon than the rigor of punishment.

Since the independence, our unfortunate country has traced a tortuous and bloody road.

What is the cause of the present state of our agriculture, our commerce, and our industry? Revolution. What is the reason our country is so unfortunate when it should be so happy? Revolution. What is the pretext of which our enemies at home have availed to beg foreign intervention? Revolution. What is the apparent motive upon which foreign nations have pretended to intervene in our political questions and to subjugate us? Revolution. Always revolution.

And now, when we have so happily terminated our second war of independence, can we not free ourselves from this terrible situation, that causes us to appear before the world as a country incapable of government itself?

Sir, can we not have peace? Peace, the aspiration of all peoples and of all men!

In one of the papers of this city an article is published to-day which refers to the report we are discussing, and says: "Those only can think with liberty who have a special privilege. Awake, democrats, this law recalls Santa Anna."

This is a gross imposture, for in article 6 of our project of law it is clearly stated "offenses of the press are not included in this law." All Mexicans, therefore, can freely think and write what they think, and print it and circulate it everywhere, without fear of being included in the law of the 25th of January.

So far as jurisdiction, we have referred to constitutional jurisdiction; and it excites surprise that a blind constitutionalist, so to speak, believes that what is conceded by the constitution of 1857 can recall the abominable dictatorship of Santa Anna.

We did not expect to be accused of lack of constitutionalism in counseling repressive measures against conspirators, kidnappers, thieves, and assassins.

We love the constitution; it is the glass in which we see ourselves, for it is the will of the people, written by the hand of their representatives; but we do not profess that pharisaical constitutionalism which some parade. We do not wish the constitution to be an arm of party; we do not wish it to be a mantle with which criminals are to be covered. We desire that it shall be preserved pure and without spot, as the sacred charter of the rights of the people.

We beg that the chamber, without fear of being wanting to its principles, or of violating its convictions, will be pleased to vote the project of law that we have discussed, because, voting the law, they will vote the punishment of the disturbers of public order; and with this peace, which is what the republic most requires to assure its triumphs, will develop its elements of greatness, and it will be completely free and happy.

CONDITION OF THE STATE OF GUERRERO.

[From the *Siglo XIX*, April 23, 1868.—Translation.]

CONGRESSIONAL REPORT—SESSION OF APRIL 22, 1868.

Mr. DORIA, president. The minister of government has the floor, to give information with reference to events in the State of Guerrero.

Mr. VALLARTA, minister of government. The government regrets to have to announce to congress that the situation in the State of Guerrero is very far from being satisfactory.

General Arce has reported that in the town of Tlapa General Pinzon had shot the Prefect Cano, who obeys Jimenez; that when this general was disposed to come to the capital, as well as General Alvarez, the latter, when General Jimenez had separated from his forces, renewed hostilities against them.

It is not known if the act of Pinzon was committed in ignorance of the agreement of Alvarez with Jimenez.

The government has dictated such measures as it believes necessary; it has asked reports from General Alvarez, and it hopes they will be of such a character as to hasten the return of that State to the constitutional order.

Mr. DORIA, president. The session is adjourned.

EXTRAORDINARY FACULTIES CONCEDED BY THE LEGISLATURE OF TABASCO TO THE GOVERNOR OF THAT STATE.

[From the Siglo XIX, city of Mexico, April 17, 1868.—Translation.]

Felipe J. Serra, constitutional governor of the free and sovereign State of Tabasco, to the inhabitants of the same, be it known: That by the honorable legislature of the State there has been addressed to me the following decree:

The legislature of the free and sovereign State of Tabasco, considering the absence of any result from the lenitude with which until now the executive has treated all those who, without any political principles, have launched themselves upon the arena of insurrection, that the country is again threatened by a vandalic rebellion which it is necessary to restrain with a strong hand, in use of its faculties, decrees:

ARTICLE 1. The executive is authorized immediately, and under his most strict responsibility, to proceed, at his discretion, against the disturbers of the public repose until peace is restored to the State.

ART. 2. He can, in consequence, first, organize and place under arms all the national guard of the State, and in such force as is sufficient for the object. Second, procure pecuniary resources in such manner as he may judge most convenient, pledging therefor the revenues of the State. Third, arrest and imprison and expel from the State all secret conspirators. Fourth, severely punish all conspirators discovered, and proceeding, at his discretion, in all relating to the public tranquillity.

ART. 3. The executive is eminently responsible before congress for the public tranquillity of the State and the use he may make of the faculties conceded to him, of which he will give an account to the legislature, as well as that the peace of the State shall be a reality.

The executive will be informed of the same, and will direct its compliance.

MARCH 9, 1868.

SAN JUAN BAUTISTA.

JOSÉ VICTOR FERNANDEZ, *Secretary*.

JUAN FERRÉ, *Secretary*.

Wherefore, I order that it be printed, published, and circulated, for its exact compliance. House of government at San Juan Bautista, March 9, 1868.

FELIPE J. SERRA.

P. SOA Y ORTEZ, *Chief Clerk*.

Mr. Plumb to Mr. Seward.

No. 121.]

LEGATION OF THE UNITED STATES,
City of Mexico, April 28, 1868.

SIR: Advices have been received by this government, which have been confirmed through private channels, that a decisive battle took place on the 8th instant, between the government forces and those of the insurgents in the State of Sinaloa, in which the latter were completely routed and a considerable number taken prisoners.

It is also stated that on the 9th instant the town of Mazatlan was reoccupied by the constitutional forces under Governor Rubi.

The recent decree closing the port of Mazatlan, transmitted with my dispatch No. 117, of the 23d instant, may therefore, I presume, from its tenor, be considered as no longer operative.

I have the honor to be, very respectfully, your obedient servant,
E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Plumb to Mr. Seward.

No. 126.]

LEGATION OF THE UNITED STATES,
City of Mexico, May 12, 1868.

SIR: One of the embarrassments to which commerce is subjected in this country is the exaction of local duties upon merchandise passing from the ports, or place of its introduction, through the different States to its destination in the interior.

This is especially felt at the points as at this capital, where the means of transportation are changed and merchandise is delayed by the necessary arrangements for its further conveyance, or other reasons, for periods of greater or less duration.

On the 1st instant a law was passed by the Mexican congress which should obviate this difficulty, as it provides that no duties shall be collected by any State upon the simple transit of merchandise through its territory.

On the same day, however, an executive order was issued through the department of treasury, which prescribes that the period for which merchandise passing through this capital, and being delayed, shall be entitled to exemption from local duties, shall be limited to ten days; and that, passing that period, those duties shall be collected upon such merchandise, although the same may not be destined for consumption at this place, and will have again to pay similar charges at the place of its final destination.

I have the honor to transmit to the department, herewith, translations of the law of congress, and the executive order referred to.

I am, sir, very respectfully, your obedient servant,

E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

TRANSIT DUTIES ON MERCHANDISE.

[From the *Diario Oficial*, May 7, 1868.—Translation.]

DEPARTMENT OF TREASURY AND PUBLIC CREDIT.—SECTION 1.

Under this date the citizen President of the republic has been pleased to address to me the following decree:

Benito Juarez, constitutional President of the United Mexican States, to the inhabitants of the same, be it known that the sovereign congress of the Union has thought proper to decree the following:

The congress of the Union decrees:

Sole article. No State can collect duties for the simple transit of merchandise, nor impose under any denomination, upon the products of other States, greater contributions than those exacted upon its own products.

Hall of sessions, Mexico, May 1, 1868.

FRANCISCO TRAREO,
President.

GUILLERMO VALLE, *Secretary.*

JOAQUIN MARIA ALCADE, *Secretary.*

Wherefore I order that it be printed, published, circulated, and that due compliance be given to it.

National palace in Mexico, May 2, 1868.

The Citizen MATIAS ROMERO,
Minister of Treasury and Public Credit.

BENITO JUAREZ.

And I communicate the same to you for the corresponding ends.
Independence and liberty! Mexico, May 2, 1868.

ROMERO.

[Translation.]

DEPARTMENT OF TREASURY AND PUBLIC CREDIT.—SECTION 1.

Having been taken into consideration the reasons manifested first by Mendoza and Sobasino, and afterwards by Kauffman, Grane & Co., merchants of this place, in soliciting that upon merchandise introduced into this capital, in transit for points in the interior, there shall not be exacted the duties known as local duties, when neither the whole nor a part of the same are caused; and taking into consideration also certain reports that the supreme government has thought proper to ask with reference to the affair to aid in forming its judgment, the citizen President of the republic has thought proper to determine, in conformity with the provisions of article 12 of the law of the 16th of December, 1861, when treating of the place where the duty of counter register shall be caused, that upon effects introduced into this city in transit there shall not be collected any duties except upon the effects that may remain here, permitting that the whole or the part continue on to its destination, with only the corresponding note upon the respective passes; but with the understanding that the time conceded for such effects as are to continue on, to remain in deposit here, shall be ten days, counted from the date of their entrance, and that they shall remain in the custom-house warehouses; and that passing that term it shall be considered that duties become due, and that in such case the effects may be taken out or left, under the obligation of paying the local duties and storage established or that may be established.

I state the same to you for your information and the consequent ends.

Independence and liberty! Mexico, May 1, 1868.

ROMERO.

The Citizen COLLECTOR,

Charged with the collection of the revenue of the federal district.

Mr. Plumb to Mr. Seward.

No. 131.]

LEGATION OF THE UNITED STATES,
City of Mexico, May 20, 1868.

SIR: On the 5th, 8th, and 11th instants, respectively, I received from Mr. Ulrich, consul at Monterey, the letters and inclosure of which I transmit copies and translation herewith, communicating the details of an outrage inflicted upon six American citizens at that place on the 22d ultimo, by order of the secretary of the government of the State of Nuevo Leon.

The character of this outrage is such that it can with difficulty be treated with calmness, and I should have felt it my duty immediately to address to this government a strong communication upon the subject, but for the fact, stated by Mr. Ulrich, that he had already written to the department giving information of the occurrence, and it appearing, therefore, to be my proper course to await your instructions before taking any action in the premises. For this reason I have made no allusion to the affair, as yet, with this government.

I had expected, however, that it would voluntarily have made some reference to it, and would have sought occasion to express regret that such an occurrence to citizens of the United States residing in Mexico should have taken place; but although the outrage was alluded to in the papers of this city on the 7th instant, and on the 9th the government published, in the *Diario Oficial*, the communication from the minister for foreign affairs to the governor of Nuevo Leon, of which I inclose translation herewith, no manifestation whatever has been made to me as to the sentiments of the government with reference to the affair.

It is perhaps my duty to add, as I do with disappointment and regret, that the conviction is being forced upon my mind, by my observations here, that, whatever may be the official action of this government, or however enlightened and friendly may be the sentiments personally of

President Juarez and his cabinet, there is a feeling existing in this country towards foreigners in general, to which the citizens of the United States do not form an exception, that is the occasion of the commission of such acts as that which has occurred at Monterey, and which affords grounds for serious apprehensions as to the future.

I have the honor to be, very respectfully, your obedient servant,
E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Ulrich to Mr. Plumb.

CONSULATE OF THE UNITED STATES,
Monterey, April 24, 1868.

SIR: A very disagreeable occurrence has taken place here, which will probably come to your notice through the newspapers, and I have thought it best to give the facts of the case, both to yourself and the State Department, that you may have a better idea as to what has happened than you could form from newspaper statements, which are always more or less highly colored.

A few nights ago, two Americans resident here, merchants, became slightly intoxicated, and were taken in charge by four other American citizens, their friends, (respectable, well-behaved men,) to take them to their homes. While on the way the whole party were arrested by the police, and put into the common jail with the condemned criminals of the State, contrary to usage here, as temporary delinquents are usually placed in an outside room under guard. The next morning they were ordered to clean the movable privies of the jail and to perform other degrading duties, to do which some of them refused, when two of them were very severely beaten by the jailor, the marks of which are still upon their persons, and all this before they had been examined by the authorities as to their culpability.

When they were examined by the alcalde 1st, next morning, he, without any investigation of the case, ordered the whole party to pay a fine of ten dollars each, but on being remonstrated with by some of them that such a decision was very unjust, as four of them were entirely innocent of any offense, he remitted the fine as to the four, fining merely the two who admitted that they had been intoxicated, and afterwards remitted also the fine of these two, as, on examination of the case, he found it very doubtful if any of them had been guilty of creating disorder in the street.

The party who was most severely beaten was one of the four who were not drunk. The case is creating considerable excitement here, and is now on the way for trial before the tribunal supreme of the State.

Above you have the facts, of which I am personally cognizant, and you, better than myself, can, from your knowledge of these people, decide how much of this treatment of these Americans arises from the general unkind feeling towards foreigners. The tone of the papers since the close of the intervention, and the legislation in congress as regards "estranjeros," notwithstanding the fact that Americans are not intended to be included in them, still have the tendency to array anything but a kindly feeling towards us, as the great mass of ignorant Mexicans include in their animosity all classes of foreigners, Americans not excepted.

As I said before, I merely write to yourself and the department the facts above, that you may clearly understand the case. The persons maltreated are quite respectable men, and men, too, who will not let the matter rest. If anything further occurs, and the legal tribunals fail to do justice, I will write you again on the subject.

I think it is but justice to the people here to state, that they are generally indignant at the proceeding, a great deal of which feeling, however, I am satisfied arises from their hostility to some of the "oficiales" implicated, who are generally unpopular, more than from any regard for the persons injured.

I have the honor to be your obedient servant,

J. ULRICH, *Consul.*

Hon. E. L. PLUMB,
United States Chargé d'Affaires, Mexico.

Mr. Ulrich to Mr. Plumb.

CONSULATE OF THE UNITED STATES,
Monterey, Mexico, April 26, 1868.

SIR: Referring you to my dispatch dated 24th instant, I beg to call your attention to an article on the same subject in the *Atalaya* newspaper published in this city, which I inclose herewith.

I have the honor to be, your obedient servant,

J. ULRICH, *Consul.*

Hon. E. L. PLUMB,
Chargé d'Affaires of the United States, Mexico.

Mr. Ulrich to Mr. Plumb.

CONSULATE OF THE UNITED STATES,
Monterey, April 29, 1868.

SIR: On the 24th and 26th instant, I had the honor to send you two communications regarding the recent case of ill treatment of several Americans in this city.

I now inclose copy of an extra published in Brownsville, Texas, the statements therein being as nearly in accordance with the facts of the case as is possible.

As reference is made in the extra, and in the *Atalaya* newspaper sent you 26th instant, to Señor Narciso Davila, secretary to Governor Treviño, I consider that it is no more than proper for me to state that when the arrest was made by his order given from the balcony of the palace the policeman, finding four of the Americans entirely sober, went to him and represented the fact, notwithstanding which he ordered them to be arrested, and gave orders also that they should be placed in the common jail, instead of being treated merely as *detenidos*; at the same time he was waited on by a very respectable young Mexican gentleman, who was with the party of Americans, who stated to him also that the most of the party were sober, and none of them making a disturbance, which was also of no avail.

The general belief here is that Señor Davila will resign his secretaryship, and go to Mexico as a member of congress, to which he was elected at the last election.

The examination of the case is still going on before the "Juez de Letras," and although much delay may result, still there seems every effort will be made by the authorities to right the matter, and the probability is that everything necessary will be done.

I am your obedient servant,

J. ULRICH, *Consul.*

Hon. E. L. PLUMB,
United States Chargé d'Affaires, Mexico.

[From *El Atalaya*, a newspaper published at Monterey, Mexico, No. 51, issue of April 26, 1868.—Translation.]

SCANDALOUS OCCURRENCE—ATTACK UPON INDIVIDUAL GUARANTEES.

On Wednesday last, between ten and eleven o'clock in the evening, six American citizens were arrested by order of the secretary of the governor when passing beneath the balcony of the palace, upon the frivolous pretext that some of the gentlemen were talking in a loud voice, on account of being somewhat excited in consequence of a reunion at which they had been present, celebrating the arrival of one of their friends. Arriving at the prison, all that they had upon their persons, except their watches, was taken from them, and they were thrust in among all the common criminals, this also being done by express order of the secretary, as was declared by the police who made the arrest. After having served as the objects of the jeers and scoffs of the criminals during the whole night, two of the Americans, Messrs. Liechardt and Potter, were ordered to *mover el caballo* (as the barrel is called in which are accumulated the urine and excrements of the prisoners) from one part of the court-yard to another, and having refused at first to perform this humiliating and degrading work, they were lashed with a cow-hide, and four of the gentlemen were obliged to sweep the court-yard, one of them also being beaten on the pretext that he did not sweep well.

This is a simple narrative of the facts, as we have heard them from the lips of one of the outraged party; and it gives rise to serious and very grave reflections.

In the first place, what authority has the secretary of the governor to send to prison peaceable merchants and mechanics? We believe he has none. What law is there by

which persons temporarily arrested are obliged to be put in with the condemned prisoners, and, what is still more serious, that such persons can be punished in an outrageous and unparalleled manner, when it is not yet known whether they are delinquents or not? This is one of those outrages of which we have had no example in this country, and that has produced, and justly so, a general indignation among all our population, as well among the natives as among the foreigners, who are more directly affected by this occurrence, and there is a universal demand that prompt and full justice shall be administered, punishing the culpable parties in this affair in an exemplary manner.

The susceptibility of the American government, when treating of the protection of its citizens, is well known, and this occurrence may bring serious consequences, and give rise to international reclamations, which is all the more to be regretted when, up to now, the relations between the Mexican government and the United States have been so cordial. Considering the affair, therefore, under this point of view, it is indispensable that the culpable parties, whoever they may be, shall be punished in an exemplary manner, as well to avoid such reclamations as also to tranquilize the public, which is greatly alarmed, as no one can rest secure that he may not be exposed to similar or greater outrages. We should mention that one of the injured parties, Mr. Potter, has been here more than a year endeavoring to recover the amount of some arms sold by him in the time of the war against the French, and which have been of good service to the national cause. Besides, this gentleman had not taken anything that night, and only accompanied the others. We have made this statement for the purpose that the facts may be known, and as it is probable that the affair will be treated in the foreign press, which is only too ready to magnify such occurrences, describing the country as in a state of complete anarchy, without any security for foreigners, we wish to record the indignation of all the sensible people of this capital in reference to the affair referred to. In conclusion, it is necessary to state that the day following, the gentlemen above mentioned were placed at liberty by the first alcalde; that an examination is being prosecuted, as we are informed, with much activity, by the *1st Juez de Letras*, and we are sure that prompt justice will be administered.

[From the *Diario Oficial*, of May 9, 1868.—Translation.]

DEPARTMENT OF FOREIGN RELATIONS.

In the newspaper the *Atalaya*, of Monterey, it is stated that by a governmental order there were arrested in that city six American citizens, and that in prison they suffered ill treatment; adding, however, that they were immediately placed at liberty, and that the first alcalde of that city was actively making an examination into the facts in order to administer prompt justice.

In view of this information the President of the republic has directed that I should address to you this communication, in order that you may be pleased to inform this department regarding the occurrence referred to, and in order that, if true, you may be pleased to address to whom it may correspond, an excitative to prompt and strict justice, asking that the judge or tribunal that has cognizance of the case opportunely communicate what may be resolved in the same.

Independence and liberty! Mexico, May 9, 1868.

LERDO DE TEJADA.

The Citizen GOVERNOR
of the State of Nuevo Leon, Monterey.

Mr. Seward to Mr. Plumb.

No. 61.]

DEPARTMENT OF STATE,
Washington, May 23, 1868.

SIR: During the last two weeks the press has published telegraphic dispatches, which seem to have come from Monterey, in Mexico, and which give information of gross indignities alleged to have been practiced at that place upon several citizens of the United States residing or sojourning there. Our first official and authentic information upon the subject was received this morning in three written dispatches from the United States consul at Monterey, of the dates respectively of the 23d and 26th of April, and the 6th of May.

By those papers I learn that the proceedings complained of have been made the subject of investigation by the judicial authorities of Monterey, and further, that full accounts of the transactions in question were furnished to you immediately after their occurrence.

Presuming that you have already taken proper measures concerning the transactions complained of, I await with considerable solicitude your report thereupon.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

EDWARD L. PLUMB, Esq., &c., &c., &c.

Mr. Plumb to Mr. Seward.

No. 132.]

LEGATION OF THE UNITED STATES,
City of Mexico, May 23, 1868.

SIR: It will be with unfeigned regret, I well know, that the government and people of the United States will learn that the era of pronunciamientos is apparently again returning to this country.

As I have said before, no political movement to erect any other in the place of the constitutional government is now possible. That government is to be maintained, or none can be.

So, all movements to take up arms now are simply attacks upon public order and upon property. Yet such movements have commenced, and there are armed forces in resistance to the government in various parts of the republic.

The latest of these movements are pronunciamientos that have taken place, first, in the mountain range that separates this valley from that of Cuernavaca, under the leadership of Aureliano Rivera; and secondly, in the mountainous district in the State of Queretaro, known as the Sierra Gorda, which was for many years the impregnable retreat of the Indian general, Mejia, who was shot with Maximilian.

This movement is under the nominal leadership of a Colonel Velasquez, who it is stated was formerly an adjutant of General Mejia.

The mountain range of Ajusco, within sight of this city, where Aureliano Rivera has pronounced, was his former refuge when serving, as he did effectively as a partisan leader, in the liberal cause against Miramon, and afterwards against the French; and the latter alone have been able to dislodge him from it.

Neither of these movements embraces more than a few hundred men, and this number is perhaps likely rather to be diminished than increased; but, like the roving bands of kidnappers now infesting the country, they may be sufficient to remain as festering sores.

While such movements can neither overthrow the government nor build up another, they are capable of much mischief, and their greatest danger is in the aid they render to a general process of disorganization.

But the feature of the pronunciamiento of Aureliano Rivera that bears chief importance is the presence, attached to his manifesto, of a number of names, some of them of persons of prominence and influence, who are known to be disaffected to the government of President Juarez, but who as yet have taken no active or open part, and regarding whom it is uncertain whether they are really committed or not.

Three of the persons whose names were so attached have published denials that they had authorized such use of their names; but up to the present time that is the total number of denials that has appeared.

It is also asserted, but denied by him from his prison at Monterey, that this movement, as well as that previously made by Negrete, has the sanction and is in the interest of General Gonzalez Ortega.

Whether the names attached to the proclamation of Rivera have been used with authority or not, there is a probability that if the States become generally disaffected—and there is great opposition to several of the governors, who it is claimed are too much under federal influence—some of the generals mentioned may take an active and influential part against the government.

All of these facts leave an anxious feeling in the public mind.

It is undeniable that there is a great deal of discontent throughout the country, and that the state of insecurity and of commercial and industrial prostration has reached a degree that detracts very greatly from the influence and prestige of the general government, and that if continued may produce serious results.

All the disaffected, also, act against a common opponent. If some relief had been given to the material interests of the country, the present situation might have been different.

Inclosed herewith, I transmit to the department full translations of the proclamations, &c., herein referred to, among which I beg to call attention to certain expressions in that issued in the State of Queretaro.

I have the honor to be, very respectfully, your obedient servant,
E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

PRONUNCIAMIENTO OF AURELIANO RIVERA.

[From the *Diario Oficial*, May 14, 1868.—Translation.]

AURELIANA RIVERA.

Some of the papers of this capital having asked for information as to what has occurred with respect to the pronunciamento of Aureliano Rivera, we proceed to satisfy the public curiosity, stating what we know:

Until recently that individual was in this capital, without giving ostensible proofs of distrust to the government, which has always extended to him favors and distinctions; and although the authorities had information that he was conspiring in connection with others, it did not desire to proceed against him, in order not to act too hastily, or to lead it to be said that it has violated individual rights; for all of which reasons it was thought prudent to wait until the data should be sufficient to justify a determination of that character, and with this our esteemed colleague, the *Siglo XIX*, will find explained the conduct of the government.

Escaping the vigilance of the authorities, Rivera lately disappeared, and proceeding to Ajusco there pronounced against the constitutional order, founding the motives of his disobedience in certain reasons that do not merit being taken into serious consideration, and which have already served as a pretext to others for the maintenance of anarchy and the neutralization of the efforts that are being made to complete the organization of the country.

It is stated that some few disaffected persons have gone with him, but the movement, according to our information, is entirely without importance, and the necessary measures have already been taken to restore to its normal state the order disturbed in the locality where Aureliano Rivera desires to impose his authority, and to light the torch of discord.

A printed proclamation has reached our hands, which we insert below, and by it will be seen the plan which Aureliano Rivera proposes to follow.

In this document there is nothing which specially calls attention, except the singular fact that it mentions certain individuals, of whom some are discharging public trusts, and who we trust will state that it is not true that they are complicated in the insurrection that Aureliano Rivera has instigated.

The following is the proclamation to which we refer :

TO THE NATION.

When, a few months ago, the heroic Mexican people struggled against the French invasion, to assure their independence, and against the insensate pretensions of the criminal empire, to guarantee the republican principles proclaimed since the era of our first emancipation, 1810; when, a few months ago, they generously shed in torrents their blood upon the altar of the country to reconquer by this means the precious rights that an insolent foreigner had usurped, we believed in the triumph and we had full faith in the victory of the people.

But with pain we have seen that later it would be necessary to continue the struggle against domestic oppressors, who have pretended to repel the European tyrants in order to supplant them themselves.

With pain we have seen that the constitution and the laws we have applauded are already mortally wounded by those who owe to them their titles, their consideration, and the fullness of their authority.

Don Benito Juarez, who, by an incalculable misfortune, came into the exercise of power at a time of disturbance and of revolution; who has governed always with dictatorial powers, and who for a long series of years has held the supreme power in his hands without check, without giving an account of its exercise, and without other limits than his will or his ambition; Don Benito Juarez was the man most fit to snatch from the worthy Mexican people their guarantees, and those faculties that the politicians call inalienable and imprescriptible; Juarez was the man most fit to break to pieces the constitution that has always been our hope and our salvation, and to plunge us into a sea of evils and of infinite calamities.

And so, in fact, it has been. Who does not know the history of events in Mexico during the past two years? Juarez usurped the authority that terminated in his hands, and declared that he would continue to be President, sometimes denominated provisional, at others national, at others simply depositary of the powers of the republic. He himself could not determine, for in reality he was nothing, or, if anything, he was an usurper.

Juarez, in abuse of the power he did not have, and with which he had invested himself, continued to command the people without authority from the people, without legality, without election, the source of all legitimate power, making the republic his patrimony and the Mexicans his slaves.

Juarez, the enemy already of the constitution he had broken, resorted to every means that aided his ambition to continue in the triumphal chair of the presidency, setting at naught the other constitutional powers, and to the humiliation of the free men of this land.

Juarez issued the election convocatorio; prophetic convocatorio! When he had no right to issue it; when he was not the constitutional President of the republic; when he had oppressed and deprived of liberty those to whom by law that function belonged, and while premeditating frauds, violence, and all the exercise of a tyrannical power in order to insure his re-election, and to be a weight for fifteen years on the patience of the good people of Mexico.

Juarez has intervened directly and criminally in the elections, and corrupted them to his advantage; he has deprived the people of their suffrages, and of those whom they elected, and he has instituted a congress, vicious in its origin, in order that its majority might protect and give absolution to his outrages against the national sovereignty.

Thus, many States are to-day without the governors of their election; but in exchange they have those imposed by Don Benito.

The people do not see in the seats of congress the men of their choice, but those who were ordered to be elected by the usurper of the public power.

The constitution is violated, justice is offended, and the sanctity of the rights of the people is outraged. We are not free, Mexicans, for a dictator commands us; we are not a republic, for the fundamental law does not exist, but the caprice of a man who has made himself a despot to our reproach.

Such grave considerations, whose truth is patent, and whose transcendence reaches those least accustomed to reflect upon them, impel us to take arms for the purpose of vindicating our justice, and to redeem our rights.

We are not ambitious of anything for ourselves; we do not wish to be presidents, nor ministers, nor deputies, nor governors.

Sons of the people, having shed our blood for liberty, we seek nothing but that the law shall rule, and that its decrees shall be complied with; that there shall be placed in the palace the magistrate called by the constitution, be he whom he may; and that it shall be he that shall convoke the people to hold their elections.

That in all the bounds of the republic there shall be free elections, without the interference of power, without its violating them, without its corrupting them, and without their being forced in its favor.

That the vote shall be sacred, and that then the public order shall proceed with the President that the people shall have given, be this whomsoever it may.

We protest that if Don Benito Juarez shall be the elected of the people, we will obey him sincerely; we will love him as the man invested with the legal power; we will sustain him as the first magistrate of the nation, and the arms we raise to-day to overthrow him we will then employ to defend him.

The question with us is not one of persons as is seen; it is of principles; and if we reject Juarez, it is because legal justice, public opinion, and constitutional right reject him. We are certain that our belief is the belief of the people, our judgment the judgment of the republic.

Our support is therefore everywhere, and the heroes who have shed their blood to lay the foundation in this dear country of the rule of the law, and of political morality, will place themselves, we do not doubt, at our side, and will hasten to swell our ranks, making the last effort in favor of liberty and of peace.

Viva the constitution of 1857! Viva the holy respect for the law! Viva the people who are the only sovereigns!

MEXICO, May 5, 1868.

Generals E. Huerta, N. Negrete, J. N. Cortina, J. N. Mendez, B. Tellez, P. Vega, A. Martinez, V. Jiminez, J. Trepeda, S. Canales, F. Chavarria, S. Escandon, P. Noriega, G. de la Cardena, J. Toledo; Colonels Catarino Fragoso, Leon Ugalde, R. Flores, A. Sautaré, M. Rivera, Juan Togno, José Juclan, C. Sotomayor, R. Ros; Lieutenant Colonels C. Arena, J. Leon; Captain Miguel Romero, and a thousand signatures more, which will be published afterwards, as it is not convenient they should now appear.

I respond with my signature for the preceding.

AURELIANO RIVERA.

LETTER FROM GENERAL JUAN N. CORTINA.

[From the *Diario Oficial*, May 15, 1868.—Translation.]

MEXICO, May 15, 1868.

Messrs. Editors of the Diario Oficial:

DEAR SIR: In the number of yesterday there has been published in the paper you worthily edit the so-called manifesto to the nation, signed by Don Aureliano Rivera, disowning the supreme powers of the republic.

In this manifesto I have seen, with great surprise, that use is made of my name; and, although my conduct and my loyalty to the person of the actual President of the republic would be the most solemn protest against that unjustifiable abuse, I am under the necessity of requesting you to publish the most solemn denial that can be given to that gratuitous and evil-intentioned supposition.

I am now at the head of the brigade of Tamaulipas, which has been intrusted to me by the supreme government, and these forces will be one of its firmest supports against all anarchical or revolutionary movements, whoever may be their authors or whatever may be their tendencies.

Neither with Don Aureliano Rivera, nor with any other leader who attempts to disturb the legal order, am I connected, nor am I bound by compromises of any kind to combat the constitutional flag, the sole principle that I propose to sustain.

Far from my friends, I believe it necessary to make known to them this determination, in order that they may not be surprised by the reprehensible abuse of Don Aureliano Rivera in using my name as one of his partisans, in the stupid enterprise of overturning the order that the people have freely established.

Those who, like myself, have defended the independence and the constitution of 1857, have a right not to be judged by their countrymen as miserable leaders in personal contests without flag, like that just proclaimed by Don Aureliano Rivera, who has so badly corresponded to the considerations that have been extended to him by the kindness of the actual President of the republic.

In order that public opinion may not be led astray, and my friends and compatriots of Tamaulipas, and of the frontier in general, may rectify their judgment with respect to myself, I beg that you will be pleased to publish this communication, assuring you of the thanks of your friend and obedient servant,

JUAN N. CORTINA.

LETTER FROM GENERAL CHAVARRIA.

[From the *Siglo XIX*, May 15, 1868.—Translation.]

Señor Don Feliciano Chavarria sends to us the following letter :

Editor of the Ligo :

DEAR SIR AND FRIEND: I will thank you to publish in your paper the following lines, which have for their object to state to my fellow-citizens that I reside in this capital, that I am discharging the trust of deputy to the congress of the union, and serving at the same time in the municipality, and that, consequently, my signature to the revolutionary proclamation of General Aureliano Rivera, published yesterday afternoon by the *Diario Oficial*, is apocryphal.

There is nothing that authorizes said chief to use my name in the way he has, for far from being in accord with him, I am always disposed to maintain and defend the legal order.

I am, very truly, your friend and servant,

F. CHAVARRIA.

LETTER FROM THE EX-GOVERNOR OF PUEBLA.

[From the *Diario Oficial*, May 19, 1868.—Translation.]

TETELA DE OCAMPO, May 16, 1868.

Mr. Editor of the Diario Oficial, Mexico :

DEAR SIR: In number 135 of the paper which you edit, corresponding to the 14th of the present month, I have seen a document bearing the names of various chiefs.

As among these names I find my own, and as I have not signed the said document, I beg of you that you will be pleased to make this known to the public by inserting the present letter in your paper, which favor will be duly recognized by your obedient servant,

J. N. MENDEZ.

ORDER FROM THE MINISTER OF WAR AGAINST NEGRETE AND AURELIANO RIVERA.

[From the *Diario Oficial*, May 18, 1868.—Translation.]

MINISTRY OF STATE AND OF THE DEPARTMENT OF WAR AND MARINE—SECTION FIRST—CIRCULAR.

The ex-General Don Miguel Negrete, after having deserted the defense of the national independence, withdrawing to foreign parts became a traitor to his country, placing himself at the service of Maximilian.

As a consequence of his evil conduct he had no place in the army. When the latter acquired its glorious triumph, and saved the independence and the republican institutions of the country, he remained a fugitive; and humiliated by his bad conduct, and awaiting only to find in a disturbance of the public order the means by which his crimes should remain without punishment, he sought proselytes in order to raise whatever flag if it was only the flag of rebellion. The only aid upon which he has been able to count, after a year of continuous effort, has been the public robbers of the highway. Of these he has made himself a chief, and leading a company of bandits, as has appeared in the official reports that have been published, he has been already twice attacked and beaten by the forces of the government, and completely put to rout.

The citizen President of the republic, animated by the desire to re-establish peace and the public order, and to extend to society the security that it merits, and which is so necessary to repair the great suffering it has experienced during the war, has thought proper to direct that all the authorities and the forces of the nation be required to apprehend Miguel Negrete and his accomplices wherever they may present themselves, in the understanding that any dissimulation or tolerance that may be used in this connection will make said authorities or forces responsible as co-operators and protectors of the crime of rebellion.

Independence and liberty! Mexico, May 17, 1868.

MEJIA.

The GOVERNOR of the State of ———.

MINISTRY OF STATE AND OF THE DEPARTMENT OF WAR AND MARINE—SECTION FIRST—
CIRCULAR.

The citizen general of brigade, Don Aureliano Rivera, having disappeared from this capital without the permission of the government, and afterwards having seduced the guard in charge of the road from Tlalpam to Cuernavaca, under the command of Lieutenant Colonel Abraham Plata, as also that of Ajusco, commanded by Captain Miguel Romero, declaring themselves rebels against the authorities, and taking whatever pretext to cover their true object, which is that of robbing the villages and estates, and of living without other check than that of their own will, the citizen President of the republic has thought proper to direct that, in conformity with the laws, the said General Rivera, Lieutenant Colonel Plata, and Captain Romero, shall be dismissed from the army as unworthy to belong to it by reason of their desertion and crime, publishing this resolution and issuing it in the general order of the day, in order that they may be apprehended and punished as corresponds to their offense.

Independence and liberty! Mexico, May 17, 1868.

MEJIA.

The Citizen GOVERNOR of the State of ———.

MEXICO, May 17, 1868.

A true copy :

E. BONITEZ,
Chief Clerk *ad interim*.

AURELIANO RIVERA.

[From the Siglo XIX, May 19.—Translation.]

BENEFITS OF PRONUNCIAMENTOS.

Effects coming from Cuernavaca have been already detained in the road by the forces of Aureliano Rivera.

In this capital, since the pronunciamento of Ajusco, there has been an increase in the price of many articles of first necessity.

AURELIANO RIVERA.—This individual was in Milpa Alta on the 17th, and harangued the people, saying that his plan was limited solely to driving Juarez from the presidency, as that gentleman had never borne arms as he had, and had only acquired his position by his pen. He added that he had exposed his life and his property without any recompense, and that he should not lay down his arms until Juarez had been driven from the presidency. He recommended that they should not obey the authorities of the district, and declared that he would exercise the functions of prefect. He has decreed a forced loan of \$3,000. While in Milpa Alta he supplied the force that accompanied him, giving a dollar to the soldiers and two to those who served as officers.

[From the Siglo XIX, of May 20.—Translation.]

According to the Monitor, Aureliano Rivera has decreed a forced loan of \$50,000 on the manufactories of Tlalpam and San Angel.

It is stated that the *constitutional army* has taken the direction of Ameca.

It is reported that Colonel Manuel Inclan has joined the rebels, and that he was received with salutes and appointed chief of staff.

PRONUNCIAMENTOS IN THE STATE OF QUERETARO.

[From the Siglo XIX, city of Mexico, May 15, 1868.—Translation.]

(By telegraph line from the interior; deposited at San Luis Potosi May 13, 1868; received at Mexico May 14, 1868.)

Editors of the Siglo XIX:

At daylight of to-day the second squadron of public security left for Rio Verde, in consequence of the invasion of that place by insurgent forces, who assassinated the political chief.

The squadron that was in Matehuala arrived to-day.

From Guadalajara there are adverse reports with reference to the troops from this State that are now at that place.

(Deposited at Queretaro May 14, 1868; received at Mexico May 14, 1868.)

Editors of the Siglo XIX:

The peace has been broken in this State. The district of Jalpan has been invaded by an insurgent force, who proclaim "Marquez and the regency." It is necessary that energetic and active measures should be taken by the general government, that of the State, and those of Mexico, Potosi, and Guanajuato.

[From the Siglo XIX, May 20, 1868.—Translation.]

(By telegraph line from the interior; deposited at Queretaro May 18, 1868; received at Mexico May 19, 1868.)

Editors Siglo XIX:

The political situation of the State becomes more and more complicated.

All the sierra is rising in insurrection, and the ranks of the insurgents are augmenting. San Juan del Rio has been invaded by an organized force, which exacted money and horses, and obliged the town authorities to pronounce.

There is no disturbance, as yet, in the capital of the State, nor in the district of Amealco. The business community has been called upon to arrange measures for its own protection, as the smallness of the garrison renders this step necessary.

Application has been made to the general government, in conformity with article 116 of the constitution, for its protection. If this is not given speedily, the consequences will fall where they belong.

(Deposited at Queretaro May 19, 1868; received at Mexico May 19, 1868.)

Editors Siglo XIX:

The insurgents, to the number of five hundred men, have modified their plan as proclaimed at Jalpan on the 8th instant, and now proclaim Santa Anna as dictator for five years, after which the republic is to be reconstituted by an election.

The revolution extends from Jililita to Tolimanejo, and appears also to have ramifications in Rio Verde.

This city still remains tranquil.

PLAN PROCLAIMED BY THE INSURGENTS OF THE STATE OF QUERETARO

[From the Siglo XIX, city of Mexico, May 22, 1868.—Translation.]

At the town of Jalpan, in the Sierra Gorda, this 8th day of the month of May, 1868, the chiefs and officers who are undersigned, being met for the purpose of concerting a plan which shall put an end to a system commenced with scaffolds erected for heroes, after having taken into consideration the iniquitous cruelty with which Don Benito Juarez and the leaders of his party have forced themselves into power; the organization of the authority they exercise, founded in laws such as that of the 25th of January, which has resuscitated in the midst of the nineteenth century the age of barbarity and of the most infamous feudalism; that in the name of that same law has sacrificed noble victims, who, in place of a scaffold, merited an altar raised to their civic virtues and to their heroism; that among those victims vilely immolated is found his Excellency General Thomas Mejia, who has gloriously associated his name with this sierra; considering that a government such as the present, which, on being conquered and in defeat, sought, as in the year 1859, a refuge and aid in the folds of the North American flag, offers no guarantees for the future, but, on the contrary, threatens the sacrifice in a scandalous manner of our territory and our nationality for the benefit of our common enemies, the Anglo-Saxons; that, before a day so unfortunate for our country shall arrive, it is necessary to intrust its interests to the worthy hands that will save it, as on another unfortunate occasion—after having taken all this into consideration, we have agreed, in the most solemn manner, upon the following plan:

ARTICLE 1. The sanguinary government of Don Benito Juarez is disowned, as well as all the authorities, general or local, emanating from the late elections held under the convencionaria of the 14th of August last.

ART. 2. The system which shall rule in the nation shall be the republican, and its chief shall be the well-deserving of his country, his excellency the general of division Don Antonio Lopez de Santa Anna.

ART. 3. Colonel José Velasquez is hereby recognized as the chief of the forces of the Sierra Gorda.

ART. 4. Copies of the present act shall be remitted where it shall correspond.

Viva his Excellency Don Antonio Lopez de Santa Anna! Viva the people and the army!

JOSÉ VELASQUEZ.
FRANCISCO MONTES.
PAUFILO ALMARAZ.
TIRSO REYES.
JOSÉ MARIA VEGA.
IGNACIO ORBIOLA.
NICOLAS AGREDA.
CANDELARIO JUAREZ.
JOSÉ MONTES.
ANASTASIO MESA.
DESIDERIO DUELE.
DOLORES AVILA.
JUAN RAMA.
JACINTO SANCHEZ.
RAFAEL ALMARAZ.

A true copy from the original, which remains in this bureau, taken for the ends to which article 4 of the same relates.

JALFAN, May 12, 1868.

JOSÉ MARIA VEGA.

KIDNAPPING.

[From the Siglo XIX, city of Mexico, May 19, 1868.]

From Toluca, State of Mexico, the following is written to our colleague, the Monitor:

"Some twenty days ago Mr. Anuzaga, when returning with his wife from the village of Tarasquillo, where they had been to mass, to his manufactory, distant a thousand yards from the village, was set upon in the road and attempted to be kidnapped, but saved himself by a vigorous defense, killing one of the bandits. The same week Mr. Sebastian Silva was kidnapped on his estate of Nigini by six bandits, who demanded \$20,000 from him. A Mr. Tovies, a drover, was also kidnapped on going to see a lot of animals that were at a village near by, and \$8,000 were demanded for his release.

"On the 7th a party of thirty kidnappers entered the village of Colimaya and carried off from the public square, on market day, a Mr. José Albarán, exacting for him \$4,000.

"Yesterday, at 5 o'clock in the afternoon, the same band went to the estate of Zacango, distant half a league from Colimaya, and carried off Mr. Juan García and his employés, leaving the estate abandoned, and exacting for them \$5,000.

"Last week three unfortunate muleteers were carried off from the road leading from here to Temango, and \$300 each exacted for their release.

"In the direction of Zinacatepec two persons have been kidnapped, but the particulars are not yet known."

Mr. Plumb to Mr. Seward.

No. 133.]

LEGATION OF THE UNITED STATES,
City of Mexico, May 25, 1868.

SIR: In dispatch No. 119, of the 24th ultimo, I referred to the discussion, in the Mexican congress, of a project of law to suspend certain guarantees of the constitution, and to give to the executive certain powers to enable it more effectually to suppress conspiracies and punish offenses against the public tranquillity; and I transmitted to the department translation of a speech made by one of the government members upon that subject.

This discussion was originated by the presentation to congress, on the 21st of January last, of an initiative of the government, recommending the adoption now, on account of the situation of the country, of articles 4 to 11 and 27 to 31, inclusive, of the law of the 25th of

January, 1862, which is the law under which Maximilian was executed, and which has been characterized by Mr. Montes, in a very able speech in the Mexican congress on the 8th of February last, on amnesty, as a law which to all offenses imposes the penalty of death.

The introduction of such an initiative, at a time when the reactionary party, finally defeated in 1860, having sunk yet lower by appealing to that last resort of defeated faction, foreign intervention, has now no longer any existence in the country, and when that foreign intervention has entirely passed away, and by the triumph so lately achieved the whole republic was placed unreservedly in the hands of the constitutional government, has started public sentiment and occasioned a prolonged and heated discussion, not only in congress but also in the public press, for it is felt that such a measure now can be necessary only as against the liberals themselves, by one portion of that party against another, and that it is the strongest evidence that permanent tranquillity is yet of doubtful realization.

While the debate has continued, the situation, which in January led the government to ask for these additional powers, has become worse; but the opposition to the measure has been so strong, that after the initiative of the executive had been several times modified, and the death penalty stricken out, an entirely new law was finally framed, much more moderate, yet still unpopular, which passed congress on the 6th instant, and of which I transmit translation herewith.

In dispatch No. 119 I also mentioned the granting of extraordinary powers by the legislature of the State of Tobasco to the governor of that State.

Since that time similar powers have been conferred upon their governors by the legislatures of the States of Puebla and of Queretaro, and now the faculties contained in the present law have been conferred upon the general government by the congress of the Union, all because it is urged that tranquillity cannot be maintained under the normal action of the State and federal authorities.

This is in addition to special measures touching the rebellions which have occurred, and have been suppressed, in the States of Yucatan and Sinaloa, and that which cannot correctly be said yet to have terminated in the State of Guerrero.

It is scarcely ten months since the constitutional government re-entered this capital, and without an element of resistance left against it, and with greater sources of prestige and strength than ever before, had the destinies of the republic entirely in its hands, and there was, apparently, no reason why permanent peace, order, and security should not be attained.

I have the honor to be, very respectfully, your obedient servant,
E. L. PLUMB.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

LAW FOR THE SUSPENSION OF GUARANTEES AND THE PUNISHMENT OF CONSPIRATORS.

[From the *Diario Oficial*, May 9, 1868.—Translation.]

SECRETARYSHIP OF STATE AND OF THE DEPARTMENT OF GOVERNMENT—SECTION I.

The citizen President of the Mexican republic has been pleased to address to me the following decree:

Benito Juárez, the constitutional President of the United Mexican States, to the inhabitants of the same, be it known:

That the congress of the Union has thought proper to decree the following:

ARTICLE 1. The guarantee conceded in the first part of article thirteen of the constitution is suspended.*

ART. 2. The guarantee contained in article twenty-one is also suspended † and the general government can impose executive penalties for political offenses not exceeding one year of reclusion, confinement, or banishment, and can use this authorization before the offenders are consigned to the judicial authority.

ART. 3. The crime of conspiracy shall be judged in conformity with the provisions of this law, and punished with the penalty of five to ten years of imprisonment, banishment, or confinement.

ART. 4. For the trial there shall be observed the following rules:

1st. Immediately that the respective military authority has information that a conspiracy is in progress, whether by public report, denouncement, accusation, or whatever other manner, it shall proceed to make the corresponding examination in conformity with the general ordinance of the army and of the law of the 15th September, 1857, and the cause when ready shall be heard before an ordinary court-martial, whatever may be the category, employment, or commission of the accused. In places where there are no military commandants or generals-in-chief, the governors of the States shall act in their stead.

2d. The process up to placing the cause in the state of defense shall be terminated by the prosecutor within sixty hours, and the defense shall be concluded within the following twenty-four; the court-martial shall immediately thereafter be ordered to assemble.

3d. Whenever a sentence of the court-martial shall be confirmed by the respective military commandant, general-in-chief, or governor acting in their stead, it shall be executed without any other recourse than that of pardon.

4th. Military advocates, named by the supreme government, shall necessarily be present at the ordinary court-martials, as is provided in the law of the 15th of September, 1857, to enlighten with their opinion the members of said court. The legal opinions that they may give to the military commandants, generals-in-chief, or governors, shall be rendered in conformity with the circular of the 6th of October, 1860, as, being necessary accessories, they are responsible for such opinions.

5th. The generals-in-chief, military commandants, or governors upon whom the exact compliance with this law is incumbent, and the military advocates, shall be personally responsible for whatever omission they may make, it being the federal service that is treated of.

ART. 5. There shall not be comprehended in the dispositions of this law offenses of the press, nor can there be tried in conformity with it functionaries who enjoy a constitutional exemption of the federation or of the States.

ART. 6. The suspension of guarantees established by this law shall continue until the 31st of December of this year, and shall have effect only for the crime of conspiracy and others which disturb the public peace.

ART. 7. When these faculties cease, the executive shall give an account before congress of the use that has been made of them.

Hall of sessions, Mexico, May 6th, 1868.

FRANCISCO ZARCO,
President.

GUILLERMO VALLE, *Secretary.*
JOAQUIN M. ALCALDE, *Secretary.*

Wherefore, and with the accord of the council of ministers, I order that it be printed, published, and circulated.

Dated in the national palace of Mexico, May 8th, 1868.

The Citizen J. L. VALLARTA, *Minister of Government.*

BENITO JUAREZ.

And I communicate the same to you for your intelligence and compliance.

VALLARTA.

* [Article thirteen of the constitution, first part, is as follows: "In the Mexican republic no one shall be judged by special laws nor by special tribunals."]

† [Article twenty-one of the constitution is as follows: "The application of punishment, properly such, belongs to the judicial authority. Political or administrative authorities can only impose as corrections fines not exceeding five hundred dollars, and confinement not exceeding one month, in cases and manner expressly determined by law."]

Mr. Plumb to Mr. Seward.

No. 135.]

LEGATION OF THE UNITED STATES,
City of Mexico, May 27, 1868.

SIR: An important debate took place in the Mexican Congress on the 20th instant, upon the subject of the payment of interest on their foreign debt.

The appropriation bill was under consideration, and the discussion was upon the question whether the appropriation relating to the foreign debt should be applied to the payment of interest or be used for the buying in of the depreciated principal. The latter course was determined upon by a vote of one hundred to twenty-one.

The debate was participated in by Mr. Iglesias, late minister of treasury, Mr. Romero, the actual minister, and Mr. Lerdo de Tejada, the minister for foreign affairs, who urged the policy that was adopted. The ground was taken on the part of the government, that with regard not only to the English and Spanish convention debts, but also the London bondholders' debt, Mexico was not at present under obligation to pay interest, the conventions being at an end, as claimed, and the bondholders having treated with Maximilian.

Reference was also made in the debate to the debt lately contracted by Mexico in the United States.

In my dispatches No. 92 of the 23d of March and No. 103 of the 3d ultimo, I informed the department of the similar action that took place when the provisional appropriation bill was under consideration in the last session.

The present action of congress may therefore be considered as final.

The gravity of the questions involved in the action that has thus been taken, leads me to call the special attention of the department to the views expressed in this debate. A translation in full of the published report is inclosed herewith.

I have the honor to be, very respectfully, your obedient servant,
E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

DEBATE IN THE MEXICAN CONGRESS UPON THE PAYMENT OF INTEREST ON THE FOREIGN DEBT.

[From the *Siglo XIX*, city of Mexico, May 21, 1868.—Translation.]

CONGRESSIONAL REPORT.

Session of the 20th of May, 1868. Mr. Zarco presiding.

Mr. AVILA, secretary. The discussion of the appropriation bill will be resumed.

The appropriations relating to the public debt being read, were placed in discussion.

Mr. FERNANDEZ AGUIRRE. I rise solely to ask the committee to state whether the debt contracted in the United States has been liquidated and approved by congress.

Mr. MEJIA. The committee has not only approved all the appropriations proposed by the government under this head, but it has augmented them by the sum of \$169,432 for auctions. With respect to whether the debts contracted in the United States have been approved, the minister of treasury can best give this information to Mr. Aguirre.

The MINISTER OF TREASURY. The debt treated of in the appropriation bill has previously been liquidated and approved, and the interest that it bears having to be paid in New York is the reason why the exchange and the expenses of commission that have to be paid to the person charged with its payment in that city are inserted. There is also another debt that is not approved nor liquidated, and for this reason it has been excluded from the appropriation bill.

Mr. AGUIRRE. I have called attention to this debt because I believe it was contracted during the war, in use of the extraordinary powers with which the executive was then invested: and as all of the acts of the government, emanating from those powers, are subject to revision, it appears to me that the debt referred to requires to be approved by congress.

Mr. ZAMACONA. Before the monarchical intervention came to disturb the march of affairs in the republic, laws had been decreed adjusting the public debt, and the conventions with foreign governments were then in the process of arrangement and payment.

Afterwards the holders of the foreign debt concluded other arrangements with the usurper, by which the amount of these debts was augmented. Both of these circumstances now make a new arrangement indispensable.

But this cannot be carried into effect except by congress, as it is one of its exclusive attributes, and to leave to the executive the initiative in so grave an affair is, in a certain manner, to abdicate its most august functions.

Congress cannot, I repeat, without abdicating its sovereignty, decree a gross sum for this object, without knowing, at least, if the bases are desirable that are to enter into a new arrangement, and if the manner of payment that is to be adopted is expedient. To vote the expenditure of three millions of dollars in a vague manner, without definitively expressing how it is to be employed, is not only to yield what constitutes the most sacred duty of congress, but may produce the greatest evils for the country.

With reference to the debt contracted in London, the government was authorized by the law of the 14th of October, 1850, to purchase that debt at the price it might have in the market. But it should be observed, that by the arrangements that the holders concluded with the usurper, the amount has been augmented in such a manner that this government cannot recognize it without a previous adjustment that shall clearly show what are the legitimate claims against the republic; and these are antecedents that render it indispensable that congress shall not yield the faculty that is conceded to it by the constitution.

The same should be said with reference to the diplomatic conventions, but this is still more clearly seen with reference to the interior debt.

The law of the 30th November, 1850, arranged definitively the questions relative to that debt, and in harmony with the law of the 14th of October of that year. I therefore ask the committee, are these laws still in force, or not? and is it proposed to repeal them, in the article of the appropriation bill now under discussion?

It is necessary to give to our financial system a regular and definitive arrangement; and if the power is left to the executive to dictate special and exceptional measures, each one of them will constitute an additional embarrassment in the way of the attainment of that important object.

The question being involved in these considerations, it is seen that the existing laws are opposed to the initiative of the government.

Mr. F. MEJIA. The majority of the committee on appropriations had to differ, with regret, from the opinion of one of their esteemed members, Mr. Mata, in treating of the appropriation with reference to the cancellation of the public debt, as that gentleman desired that the sum of three millions of dollars that had been appropriated should be applied solely to the payment of the interest on the debt, when the committee desired that it should be applied to the buying up of the debt, by means of the systems of auctions decreed on the 30th of November last.

Besides, the special report of Mr. Mata added the sum of \$219,987 to the three millions already agreed upon, in order to make up the precise amount of the interest on the said debts, including the convention debts and the floating debt. The reasons that have influenced the majority of the committee to ask that the three millions of dollars shall be dedicated to the payment of interest and the buying in of the debt at the same time, are the following:

- That if, as is to be expected, and as our experience thus far in the few auctions that have been held has shown, the holders of the debts take part voluntarily in these sales, at the end of a few years we shall have cancelled a great part of our debt, with satisfaction to the creditors and with very great relief to the nation, and an end will consequently be put to the constant motives of difference with the nations of Western Europe, and to the pretext for new reclamations and invasions.

In the judgment of the committee our government is not obliged to now pay in preference the interest upon the convention debts, because the treaties that united Mexico with the powers that recognized the intervention, and disowned the republican government, are to be considered as insubsistent.

Consequently the obligation that rested upon the national treasury does not retain an international character, nor can the terms of payment continue to subsist that were stipulated in an arrangement that has been terminated in consequence of that recognition. The government, therefore, is at liberty to fix the terms of payment as it shall think proper.

Why should we concede to the foreign creditors and holders of bonds of the English

debt the subsistence of the contract embraced in the law of the 14th of October, 1850, when the same bondholders themselves have infringed that contract, treating of it and reforming it with the government of the usurper ?

And this is so true that the English government itself has thought it dangerous to make any reclamation against the republic. Mr. T. Baring asked the minister of foreign affairs, in the House of Commons, on the 21st of February last, what were the relations with Mexico; and if any existed, what measures the government had taken to carry into effect the conventions.

The minister replied that no relations existed, in consequence of the act of the government of Mexico; but that the question of exacting a compliance with the conventions was of a very grave character, and one in which a hasty determination should not be taken.

For these considerations, and also the well-founded reasons which, in support of the modification proposed by the committee on appropriations, have been urged by Mr. Iglesias and other distinguished and able speakers who have preceded me in the debate, I insist in asking that the chamber will be pleased to approve the said modification, expressing the appropriation in one gross sum, in order not to leave place for the subsistence of a basis of capital and interest of each debt at a time when the republic is under the best of circumstances to secure great advantages in the future arrangements that it may have to make.

Mr. ZAMACONA: I ask the secretary to be pleased to read the laws of the 14th of October and 30th of November, 1850. Mr. Alcalde read them.

The minister of treasury, Mr. ROMERO. Mr. Zamacona has made two inquiries which I will answer. But, first, I may be permitted to call the attention of the chamber to another matter of much interest. Besides the appropriations relating to the payment of the public debt, the government proposed others in its first initiative, and with the permission of the chamber I will read the communication which accompanied them.

It was read.

It was proposed, therefore, that a sum should remain at the disposal of the government for the payment of orders already drawn against the treasury, and that have not yet been paid for want of funds, and of others which it will be necessary to draw in favor of creditors who are found in special circumstances, and for that reason have to be attended to by the government.

The government believes that some liberty should be left to it to make such payments, first, because it would be unjust to deprive the holders of the orders that have been issued of the right that they have to their payment; and, secondly, because in many cases it is absolutely necessary to attend with a certain preference to one claimant rather than to another for the reasons that I have already indicated.

With respect to what has been stated by Mr. Zamacona, I have to say that it is in accord with the ideas of the government.

But setting that aside, the committee assigned a million and eighty thousand dollars for the payment of the debt contracted in London, for it is unquestionably better to buy in the debt than to pay interest upon it. Mr. Mata, in his special report, assigned certain appropriations for the payment of the interest. The government would accept that idea; but the question of the debt being subject to new negotiations, it would prejudice their result. It is known that by arrangements made with the usurper that debt was augmented, and without a definitive arrangement the payment of interest would inevitably be upon what was due by the republic, and upon what it cannot recognize.

The English bondholders, recognizing the error that they committed, have had two meetings in London, and at the last they appointed a permanent committee, which has addressed to the government the communication I will read. The said communication is as follows:

"MEXICAN BONDHOLDERS' COMMITTEE,

"1 Copthall court, Throgmorton street, London, E. C., April 14, 1868.

"SIR: I beg reference to the letter which on the 24th December last I had the honor of addressing to the foreign department of your government, and to inform your excellency that since that date an important step has been taken by the bondholders in the appointment of a permanent committee, charged with the supervision of their interests and furnished with authority to negotiate terms for the adjustment of their claims.

"In the accompanying report of the proceedings of the public meeting at which this appointment took place, (copies of which I transmit for the information of President Juarez, your excellency, and the other members of the cabinet,) you will observe that the committee then selected comprises among its number members of the British Parliament, and other gentlemen of position and influence, and you will gather from this fact the weight and significance to be attached to the confidence and hope in Mexico expressed at the meeting; and I would specially call your excellency's attention to the cordiality with which the observations the chairman made with reference to President Juarez and the members of his cabinet were received on that occasion.

"The good will of the bondholders has not, however, as you will perceive by the provisional committee's report, presented at that meeting, (copy of which is also transmitted,) restricted itself to words alone, a memorial having been prepared by them for presentation to our government, praying her Majesty's ministers to resume official intercourse with your country, and thus recognize the national character of the administration of which your excellency forms a part.

"While, however, it is with gratification that I bring these evidences of friendship for Mexico and esteem for yourself and the other members of President Juarez's cabinet to your excellency's notice, it is, I regret to say, also my duty to refer to the serious and wide-spread inconvenience, and, indeed, distress which the entire cessation of any payments of interest has brought upon the less affluent of the bondholders. And I am expressly directed to convey, on behalf of the committee, the expression of the hope that it may be in the power of your excellency shortly to afford some measure of relief to a body of men who have given such material proofs of their confidence in the honor of Mexico and her government.

"With the view of aiding the attainment of so desirable a result, the committee are prepared at once to open negotiations with your excellency, either in this country, through an accredited agent of your own, or in Mexico, through the instrumentality of a delegate sent by them from this country.

"Trusting that, for the information of the committee, I may be favored on an early occasion with your excellency's views,

"I have the honor to remain your excellency's most obedient, humble servant,

"WM. W. HOLMES, *Secretary.*

"His Excellency Señor Don C. MATIAS ROMERO,

"*Minister of Finance, Mexico.*"

It is seen, therefore, that the holders of the debt are disposed to enter into arrangements, and if the chamber should declare that it is about to pay the interest, it would prejudice the question, and would nullify the advantages the government has a right to expect.

The opinion of the executive is that in no manner should the payment of interest be agreed to.

With reference to the debt in the United States, there would be no inconvenience in suppressing the appropriation relating to interest; and in so far as relates to the others they might remain the same as the English.

The government is also conformable to the stipulation of eight hundred thousand dollars for the floating debt, under the understanding that it is not to be obliged to pay interest.

Mr. Zamacona has said that the executive has sought to abrogate the faculties of Congress. This is not so.

Before resigning its extraordinary powers the government ordered these public auctions. Congress can annul that disposition, but until that is done the right is legitimate under which they are held.

The executive has desired that congress would take up the subject of the public debt, and would dictate regulations that should serve as its guide, as in this manner the executive would be relieved from a grave responsibility; but the time that remains to the chamber in which to terminate its labors is so limited, that although it should be dedicated exclusively to that subject no result could be attained.

With respect to the auctions that have been held, the government experiences satisfaction; more than a million of dollars of the debt has been canceled, and the debt has risen in price in the market, as before it was only quoted at twenty-five per cent., while now it is sold at forty.

Mr. MEJIA. The committee assents to the appropriations proposed, but it does not believe that any sum should be fixed for the payment of interest, because it would prejudice pending arrangements.

In consequence it amends the article in the following form:

"For the cancellation and interest of the public debt, interior and foreign, \$3,500,000."

Mr. Zamacona stated that the object of his observations was not to place difficulties in the way of the patriotic arrangements proposed by the government. He then repeated his preceding remarks, and asked the minister of treasury if he believed that the laws of the 14th of October and the 30th November, 1850, were still in force, repeating also the reasons which led him to desire to have this inquiry answered.

The minister of treasury replied that it was in no sense prudent to make any declaration with reference to whether those laws were in force or not, because it would establish a very bad basis for future arrangements with regard to the public debt.

Mr. PRIETO. In the observations of Mr. Zamacona there are two points to consider: The prerogative of congress to intervene exclusively in the adjustment of the public debt, and the establishment of a right, that of consolidating a debt and its interest.

After some remarks with regard to the English debt to prove that there is no good reason for its bearing that name, the debt being a national debt, and some observa-

tions with reference to there being no consolidated debt, he concluded, asking that the approval of the chamber should be given to the special report of Mr. Mata, in so far as relates to the appropriations now under discussion.

Mr. MEJIA said that the committee had abstained from specifying any sum for the payment of interest, because such assignment would prejudice the arrangements that are had in view.

Mr. IGLESIAS. There is no doubt that it is the privilege of congress to attend to the adjustment of the public debt, as also it is a duty for it, as well as for the executive, to comply strictly with existing engagements; but in the present case, it is not possible to apply any determined sum to the payment of interest.

It cannot be said that the laws of the 14th of October and the 30th of November, 1850, are in force, and they are not because the holders of the English debt celebrated new arrangements with the usurper, and by that act itself prejudiced the legality of their credits.

It would be dangerous, on the other hand, to declare the validity of those laws, because in consequence of such declaration the English creditors would refuse to enter into arrangements that they are now disposed to accept.

With reference to the conventions, it is an undeniable fact that they do not exist, because in disowning the government of the republic, and treating with the usurper, those conventions were *de facto* terminated.

But the government recognizes the debt, and the manner of its payment will depend upon the new arrangements that may be made.

With reference to the manner of canceling it by means of auctions, it is asked whether, the payment of interest having been stipulated, the purchase at auction is not inconvenient. I believe that far from offering any inconvenience these auctions are very acceptable in every respect.

First, because in the auctions there is no compulsion; those attend who may believe it convenient to realize their credits, and the others do not; so that there is an advantage for the one who sells, because he realizes a sum that it is convenient for him to realize, and there is also for those who do not attend, because by the reduction of the amount of the debt that is upon the market, the higher will be its value, the proof of which is in the fact stated by the minister of treasury.

The MINISTER OF TREASURY. Mr. Zamacona has said that the payment that has been made of some of the floating debt, has been made through favoritism. I protest that neither the citizen President nor myself have issued an order in favor of any person, that could have the character of favoritism.

The minister of relations, Mr. LERDO DE TEJADA. The payment of the interest cannot be made, because it would be lacking even in justice. I say justice, because with reference to the debt contracted in London it cannot be exacted that the law of the 14th of October should be declared in force, for the holders of that debt in treating with the usurper have incurred a grave prejudice, which requires a new arrangement.

There were but few of the debts under the conventions that bore interest previous to the conventions; all derive it from these, and the conventions being broken, the debts cease to bear interest also.

With reference to the form of payment of the Spanish debt, that now being made is the same that was stipulated in the convention for its payment, and consequently there is in this no offense on the part of the government.

Mr. FRIAS Y SOTO. If, as has been stated, with evident reason, an assignment for the payment of interest would prejudice future arrangements, what should we do? Why make this appropriation? I believe it will have the same result as if the payment of interest was agreed to. I ask, therefore, that the committee will withdraw it, or that it be voted down, and that the special report of Mr. Mata be approved.

Mr. MEJIA. With respect to interest the amount is not known, nor is its payment binding. With regard to the capital it is a debt recognized, and which is subject to cancellation. On the other hand there are some items among the appropriations, the amount of which is known, and others not. With this I believe I have answered Mr. Frias y Soto.

Mr. PRIETO insisted on his previous arguments.

Mr. AVILA, secretary. Are there any others who desire to speak? Is it sufficiently discussed? It is.

Mr. FRIAS Y SOTO. I demand the ayes and nays.

Mr. AVILA, secretary, read the amended article, and added, shall it be adopted?

The vote being taken, the article was adopted by one hundred votes against twenty-one.

Mr. Seward to Mr. Plumb.

No. 65.]

DEPARTMENT OF STATE,
Washington, May 29, 1868.

SIR: The department has been informed by Mr. Black, the consul at Mexico, in a dispatch of the 29th ultimo, of the death of Mr. John Braniff, a citizen of the United States, from wounds inflicted by a band of robbers at a bridge on the Puella branch of the Mexico and Vera Cruz railway. Although such events may and do happen in every country, they are unfortunately common in Mexico, and their frequency is no doubt owing to the comparative impunity of the offenders. All that can be expected in such cases, when no officer of the government may be concerned in the act, is that the foreign government shall in good faith exert all its authority to bring the aggressors to justice.

You will make an application to the Mexican government to this effect in the case of Mr. Braniff.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

EDWARD L. PLUMB, Esq., &c., &c., &c.

Mr. Plumb to Mr. Seward.

No. 137.]

LEGATION OF THE UNITED STATES,
City of Mexico, June 2, 1868.

SIR: The closing of the second period of the sessions of the Mexican congress took place on Sunday the 31st ultimo.

I have the honor to transmit herewith translation of the addresses of President Juarez and of the president of congress, Mr. Zarco, on that occasion.

The succeeding session will commence, according to the constitution, on the 16th of September next.

By the Mexican constitution it is provided that during the recess of congress there shall be a permanent deputation composed of one member from each State and Territory, to be chosen by congress just before the close of the session.

The deputation so chosen met and organized yesterday, and will remain in session at this capital.

The faculties of the permanent deputation are prescribed in the extracts from the constitution of which I inclose translation herewith.

It will be observed that among them is the power to call congress together in extra session, and to grant leave of absence to the President of the republic.

I have the honor to be, very respectfully, your obedient servant,
E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

SPEECH OF PRESIDENT JUAREZ AT THE CLOSING OF CONGRESS, MAY 31, 1868.

[From the *Diario Oficial*, May 31.—Translation.]

CITIZEN DEPUTIES: With patriotic zeal for the fulfilment of your high duties, you have been assembled for the long term of six months of sessions. On their termination

now, you can retire with the satisfaction of having dedicated your deliberations with an enlightened spirit to objects of importance for the public welfare.

A liberal law for the press has been invested with the character of an organic law, securing that ample liberty of thought so indispensable for the subsistence and prosperity of all the liberties acquired by the constitution and reform.

The establishment of colonies on our northern frontiers will be an efficacious means of protection against the incursions of the Indians, at the same time fostering and securing the welfare of those States by increasing their population and developing all their sources of wealth.

Freedom of commerce among the States has been protected, and the hinderances which might have prevented it have been removed.

The attention and care of congress has also been taken up with the subject of public improvements and means of communication, which so greatly favor the movement of commerce and industry, so beneficial to society.

Congress has exercised one of its most important prerogatives by classifying the revenues, and decreeing the estimates of income and expenditure of the federation.

These labors having been performed for the first time since the prolonged civil and foreign war which the republic has suffered, congress will be able in future to weigh in its enlightened consideration the improvements which may be suitable, if experience should show that they may be required by the necessities of the administration.

Such public disturbances as had any serious character have terminated favorably, and it is to be hoped that the inestimable blessing of peace will be secured. Peace has been re-established first in the States of Yucatan and Guerrero, and afterwards the disorders in Sinaloa have been suppressed.

Small bands still exist in some districts of the States of Mexico and Queretaro. The nature of the ground in which they maraud has facilitated their escape from the forces the governor has sent to pursue them, but they are daily more actively pursued, in order that the roads and towns may be freed from this plague.

The government, which has given so many proofs of clemency and generosity, is also strictly bound to employ, in cases of necessity, the means of repression authorized by the last decree of congress, against such parties as should still pretend to speculate in revolutions, by attacking the dearest interests of society.

Nevertheless, the general opinion of the republic should inspire us with confidence respecting the future, as it disapproves energetically of the use of force under any pretext, for placing itself above the laws. Liberty and peace will be consolidated by a faithful observance of our institutions. Accept, citizen deputies, the wishes I make that we may be able to congratulate ourselves on the condition of the republic, when you reassemble in the coming term of your sessions.

Reply of the President of Congress, Mr. Zarco.

CITIZEN PRESIDENT OF THE REPUBLIC: In fulfillment of a constitutional precept the congress of the union this day suspends the labors to which it has been dedicated for six months. Its deliberations during that term have had for their object the securing to the Mexican people the benefits of legal order, and of that political liberty which, with such bravery, it knew how to recover on saving its independence.

The first result of the triumph of the republic over the misguided who wished to extinguish its autonomy and subvert its institutions, was the assembling of a congress freely elected by the people.

The national representation met just after the calamities of the foreign war had terminated, and when the intervention and the so-called empire had everywhere left the odious marks of blood, ruin, and disorganization. The labors of congress, in such a state of things, should tend to reconstruct, reorganize and tranquilize a community which had been deeply affected, and which had not halted in the face of any sacrifice, provided it could save its independence. In so difficult a task the congress with pleasure perceives it has reckoned on the support of the good sense of the people, who, in the clearest manner, have for years past been manifesting their sincere adhesion to democratic institutions, and who, in the midst of misfortunes and the ordeals they have had to go through, only base their hopes on legal order.

Congress, as soon as it was installed, took care to compute the votes emitted in the last elections, and declared who were the citizens called by the people to exercise the executive power and the magistracies of the supreme court of justice, and thus hastened the regular reorganization of the public powers. Afterwards, a vacancy having occurred in the supreme court, and some districts being without representatives in congress, the latter convoked the people for new elections, in order that the supreme powers should exist and perform their functions in a regular manner.

Constitutional order having been fully re-established, congress has consolidated it, making it effective and giving it respectability and prestige.

Obstacles have yet been encountered in endeavoring completely to pacify the country. When any serious disorder has taken place, congress, true to the spirit of the institu-

tions, and without sacrificing liberty to transient circumstances, has strengthened the action and power of the executive as far as necessity required it. It was thus that the revolution in Yucatan was suppressed and that people were enabled to get rid of anarchy and enter on constitutional order.

Subsequently, congress, with the view of re-establishing peace and security which are threatened by disorganizing bands who have no political tendencies, has given the government the faculties necessary for restoring to the country that repose it so much desires, and which has to be the basis of its prosperity. Congress leaves the executive armed with the law to preserve society from fresh disturbances, and it is sure that law will suffice for the attainment of so important an object.

The necessity is being felt for those organic laws which are to be the complement of the constitution, and are to secure public liberty. Congress has not been idle on this point which it leaves well advanced: It has already issued the organic law of the liberty of the press, removing all obstacles for the expression of thought, and so regulating it that the press may be the guardian of all rights and liberties.

Congress, not allowing itself to be carried away by angry feelings, engendered during long civil wars, nor by the odium inspired by treason to the country, has taken care to honor the memory of eminent patriots, thus offering emulation to republican virtue.

Congress, following the spirit of the times, and comprehending the necessities and aspirations of peoples, in as far as circumstances have permitted, have given preference to material improvements, and has decreed the opening of means of communication; but the time has not sufficed for concluding all the business relating to so important a matter.

The establishment of military colonies in the northern frontier States, and in those of Yucatan and Campeche, is a proof of the solicitude of the union in favor of the districts at a distance from the center, and that it is now possible to attend to the wants of all the States. Endeavors are being made for the defense of towns on the frontier against the incursions of the savages, and also for the foundations of new towns, so that in the course of time what is now a desert may become a center of prosperity and civilization.

In several legislative measures the object has been kept in view of favoring the development of industry and commerce, and in general the interests of the working classes—interests which, in order to prosper, must be in harmony and not run into the error of reciprocal hostility. The most important of these measures is that which removes obstacles to the transport of national products and protects the liberty of traffic among all the States of the union.

In the second period of sessions, which ends to-day, congress, in compliance with the constitution, has given preference to financial affairs, and, after arduous deliberations, has revised the estimate of expenses and has issued the law of classification of rents and the estimate of income. For the first time since the promulgation of the constitution has congress been able to attend to these labors, which are one of the principal objects of the representative system.

Very far is it from believing that perfection has been arrived at, but it certainly feels satisfaction in having taken the first step in the path that ought to lead us to order, economy, and security in the management of finances.

It has had for its object to give to the country a good administration, to attend to its necessities, particularly in the branch of material improvements, to introduce economy and alleviate contributors.

Time and experience will perfect these labors, which in future will become easy and simple, and then the administration may be made still more simple and the taxes considerably diminished, so that the people may enjoy a cheap government, and know that all that they contribute to the treasury is employed for the good of the country.

Congress has had to exercise the high judicial functions intrusted to it by the constitution, and the sentences which it has pronounced have come to corroborate great political principles. They have demonstrated that the responsibility of high functionaries is not a vain or empty promise, that there is legal recourse against arbitrary measures, and against the usurpation of power, and they have at the same time made manifest that the supremacy of the Union should be respected in every country, that individual guarantees cannot be trampled under foot with impunity, and that the general powers do not restrain the sovereignty of the states in their internal regime.

Congress believes that it has fulfilled its duty, and that all its labors have tended to the reorganization of the republic, and to increasing in the people the adhesion they profess for the institutions.

On retiring into recess the national representation has confidence in you, citizen President, that you will be, as ever, the zealous guardian of the constitution, laws, and honor of the republic. It hopes that, with the authorizations it has conceded to you, you will advance in the work of pacifying the country, applying the law with salutary energy.

The national representation has, above all, confidence in the good sense of the people, and hopes that by the efforts of the citizens, particularly those invested with authority, in the strict fulfillment of the law, they will arrive at consolidating the institutions,

and that the republic will march serenely and majestically in the path of its prosperity and aggrandizement.

The representatives of the people entertain no other ambition, and they hope when they reassemble to find the condition of the republic improved.

If unforeseen circumstances or public necessities should call for legislative action before the constitutional period, the representatives of the people will attend, anxious to fulfill their duty, with no other view than the welfare of the people, and the securing of legal order and liberty.

Extracts from the Mexican constitution, paragraph IV, of the permanent deputation.

ARTICLE 73. During the recess of the congress of the Union there shall be a permanent deputation, composed of one deputy from each State and Territory, who shall be named by congress on the evening of the last day of its sessions.

ART. 74. The powers of the permanent deputation are the following :

1. To give its consent to the use of the national guard in the cases spoken of in article 72, clause 20.

[Article 72, clause 20, is as follows : "Of giving its consent that the executive may order the national guard without their respective States or Territories, fixing the amount of the force necessary to be so used."]

2. To determine by itself alone, or at the petition of the executive, the convocation of the congress in extraordinary session.

3. To approve in the case of appointments, as referred to in article 85, clause 3.

[Article 85, clause 3, is as follows : "To appoint ministers, diplomatic agents, and consul general, with the approbation of congress, or, in its recess, of the permanent deputation."]

4. To receive the oath of the President of the republic, and of the ministers of the supreme court of justice, in the cases provided by this constitution.

5. To report upon all the business not disposed of, in order that the session which follows may immediately take up such unfinished business.

ART. 29. In cases of invasion, grave disturbances of the public peace, or whatever cause which may put society in great peril or conflict, solely the President of the republic, in concurrence with the council of ministers, and with the approbation of the congress of the Union, and, in the recess of this, of the permanent deputation, may suspend the guarantees established by this constitution, with exception of those that assume the life of man; but such suspension shall be only for a limited time by means of general provisions, and of such a character as not to favor a determined individual purpose. If the suspension take place during the session of congress, this shall grant such authorization as they shall deem necessary to enable the executive to confront the circumstances. If it shall take place during recess the permanent deputation shall, without delay, convoke the congress for its advice and action.

ART. 95. The duties of members of the supreme court of justice can only be resigned for grave reason, approved by congress, to whom the resignation shall be presented; in the recess of congress, before the permanent deputation.

ART. 84. The President cannot leave the residence of the federal powers, nor the exercise of his functions, without grave motive, approved by congress, or, in its recess, by the permanent deputation.

Mr. Plumb to Mr. Seward.

No. 138.]

LEGATION OF THE UNITED STATES,
City of Mexico, June 4, 1868.

SIR : Among the laws passed at the session of the Mexican congress just closed, was one establishing a system of military colonies in the frontier States, for the purpose, as stated, of defending the frontier of the republic against incursions of the Indians.

These colonies are to be thirty in number, and are to be located seven in the state of Sonora, seven in Chihuahua, four in Nuevo Leon, six in Coahuila, four in Durango, and two in Lower California.

A law was also passed establishing two similar colonies in the States of Yucatan and Campeche.

Translations of the two decrees are transmitted herewith.

I have the honor to be, very respectfully, your obedient servant,

E. L. PLUMB.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

DECREE ESTABLISHING MILITARY COLONIES IN THE FRONTIER STATES.

[From the Diario Oficial, May 1, 1868.—Translation.]

The citizen President of the republic has been pleased to communicate to me the following decree:

Benito Juarez, constitutional President of the United Mexican States, to the inhabitants of the same, be it known:

That the congress of the Union has decreed as follows:

The congress of the Union decrees:

ARTICLE 1. In order to defend the frontiers of the republic against the incursions of the wild Indians, thirty military colonies, distributed in the following manner, shall be established: In the State of Sonora, seven; in that of Chihuahua, seven; in that of Nuevo Leon, four; in that of Coahuila, six; in that of Durango, four; and in the territory of Lower California, two. The headquarters of the colonies shall be fixed by the common accord of the citizen governors of the respective States.

ART. 2. Each colony shall be composed of one hundred men, mounted, armed and equipped in the manner most suitable to the service.

ART. 3. The veteran standing of these companies shall consist of fifteen hundred men of the army—preference being given to the corps raised in the frontier States. For the completion of the three thousand men, enlisting offices shall be opened in the towns nearest the place designed for a colony.

ART. 4. The enlistment shall be made under the following conditions: 1. Those citizens who may wish to enlist in any company shall bind themselves to pass at once with their families to the place fixed on for their residence, and remain there for six years. 2. The executive shall give the colonists, according to their class, one or more lots of land, materials for construction, and all the necessaries for agriculture, with the seeds necessary for the crop of one year, and moreover the corresponding monthly salary.

ART. 5. The executive shall have the power, for the purpose of public utility, to take from the owners of any uninhabited lands those which may be occupied by the colonies.

ART. 6. The land occupied shall be divided into lots, of which one shall belong to each soldier, and two or more to the chiefs and officers. Each lot shall have ground for a house, and three and a half *hectares* (or seven acres) for sowing.

ART. 7. In case the colonist should die before the end of the six years of his enlistment this property shall go to his heirs.

ART. 8. After the distribution of the lots among the colonists has been made, the governors of the respective States shall distribute the surplus land among individuals with family, who without belonging to the colonists may wish to live with them.

ART. 9. Any colonist who shall desert within the stipulated term, disregarding military discipline and his engagements of enlistment, shall be condemned to the penalty of two or four years of forced labor, which he shall complete in any one of the colonies, and he shall lose all right to the lot, and to the improvements thereon introduced.

ART. 10. The executive shall forthwith appoint an inspector general, who shall have in charge the direction of all the colonies; it shall also appoint a sub-inspector for each State, recommended by the governors of the respective States.

ART. 11. The faculties of these employés shall be determined by the department they belong to, in the regulations it shall issue for that purpose, enjoining, as an essential point, activity and efficacy in the persecution of the wild Indians, and order and morality in the colonies.

ART. 12. In each colony a rudimentary school shall be established.

ART. 13. The inspector general or sub-inspectors authorized by him shall be able to conclude peace with the tribes of savage Indians, acting in concert with the governors of the respective States. After the terms have been adjusted, the supreme executive power shall be informed of the same, for its approbation, and in order that it may supply the necessary means for obtaining and maintaining it.

ART. 14. No authority shall divert the soldiers dedicated to the service of the colonies from their object.

Hall of sessions of the congress of the Union, Mexico, April 27, 1868,

J. C. DORIA, *President*.

F. DIAZ COVARRUBIAS, *Secretary*.

ELENTARIO AVILA, *Secretary*.

I therefore order it to be printed and circulated for its due observance.

Palace of the national government, Mexico, April 28, 1868.

BENITO JUAREZ.

The Minister of War, Citizen General IGNACIO MEJIA, *Present*.

I communicate the same to you for your information and the consequent ends.

Independence and liberty! Mexico, April 28, 1868.

MEJIA.

The Citizen GOVERNOR of the State of ———.

[Translation.]

The citizen President of the republic has been pleased to communicate to me the following decree:

“Benito Juarez, constitutional President of the United Mexican States, to the inhabitants of the same be it known, that the congress of the Union has decreed as follows:

“The congress of the Union decrees:

“ARTICLE 1. In the States of Yucatan and Campeche there shall be established two military colonies of five hundred men each, the duty of regulating them remaining with the executive, without interfering with the taking of any other measures which may be conducive to the pacification of the said States.”

Hall of sessions of the congress of the Union, Mexico, April 28, 1868.

J. C. DORIA, *President*.

JOAQUIN M. ALCALDE, *Secretary*.

ELENTARIO AVILA, *Secretary*.

I, therefore, order it to be printed and circulated for its due fulfillment.

Palace of the national government, Mexico, April 28, 1868.

BENITO JUAREZ.

The Minister of War, Citizen IGNACIO MEJIA, *Present*.

I communicate the same to you, for your information and the consequent ends.

Independence and liberty! Mexico, April 28, 1868.

MEJIA.

The Citizen GOVERNOR of the State of ———.

Mr. Plumb to Mr. Seward.

No. 139.]

LEGATION OF THE UNITED STATES,

City of Mexico, June 9, 1868.

SIR: An incident of great gravity has taken place here, within the past few days, which has occasioned much excitement, and may be attended with important political results. In my dispatch No. 56, of the 26th of December last, I announced the election of Mr. Lerdo de Tejada, the minister of foreign affairs, to the position of chief justice of the supreme court, vice-president of the republic. His term of office in that position commenced on the 1st instant. On the 4th instant he appeared before the permanent deputation of congress, and took the oath of office.

On the following day a request was addressed by President Juarez to the supreme court, asking leave for Mr. Lerdo de Tejada to continue acting as minister for foreign affairs. This request was taken immediately into consideration, and by a vote of seven to five was refused.

It has been the custom in this country for appointments to cabinet positions frequently to be made, if the President so elects, from members of congress, and even judges of the supreme court.

President Juarez, when chief justice in 1857, was appointed minister of government by President Comonfort, and Mr. Lerdo de Tejada and Mr. Balcarcel, two of the present ministers, were elected members of congress. But for such officials to act under these appointments, instead of their resignation, the permission of congress, or of the supreme court, as the case may be, has been asked and obtained.

So now the request has been made by President Juarez, of the supreme court, for leave for Mr. Lerdo de Tejada to continue in the cabinet, but in this instance it has been refused. The grounds of the refusal are variously stated. By some, it is claimed that the decision of the court has been based solely upon the belief that the position of judge upon the supreme bench is incompatible with any connection with political affairs. By others, it is asserted that the court itself has intervened in the political issues of the day, and that the refusal of leave to Mr. Lerdo de Tejada is influenced solely by opposition to the policy of the cabinet of which he has so long been the head.

The tone of public sentiment here, upon this incident, is shown in the article of which I inclose translation herewith, from the paper of Mr. Zarco, the late president of congress, who, it is rumored, is the principal aspirant for Mr. Lerdo de Tejada's place.

The opposition to Mr. Lerdo has for some time been very strong, but it will be difficult to find another man of his ability, or who can give to the government the same prestige, character, and positive strength. The result of this crisis, and what the final action of the President will be, is not yet determined.

I have the honor to be, very respectfully, your obedient servant,
E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

THE SUPREME COURT AND THE CABINET.

[From the *Siglo XIX*, June 6, 1868.—Translation.]

The note in which the executive requested leave for Mr. Lerdo de Tejada to continue in the cabinet, was signed by Mr. Aspiroz, the chief clerk of the department of relations.

It was received just as the court was terminating the business of the day.

The affair was immediately taken into consideration, and after a brief discussion, was put to vote. There were in favor of granting leave, Messrs. Garcia Ramirez, Zavala, Velazquez, Lafragua, and Ordaz; and for refusing it, Messrs. Ogazon, Cardoso, Riva Palacio, Simon Guzman, Leon Guzman, Castello Velasco, and Altamirano. This result was communicated immediately to the executive, and produced a great sensation in all political circles.

A thousand rumors are in circulation, of the authenticity of which we are not certain.

It is said that the President has resolved to insist in asking the leave, urging the free prerogative given him by the constitution to select his ministers.

It is said that in the cabinet there are those who know that this step will be entirely unavailing. It is also said that the remaining ministers will present their resignations, for the purpose of leaving the President entirely free to form a new cabinet.

To the decision of the court different interpretations are given. There are some who believe that it was dictated by the political consideration that the functionary who would be called upon to exercise the executive power in default of the President, should have no part in the acts of the latter, in order not to compromise his responsi-

bility; and there are those who state that the court has desired to reprove the policy of the chief of the cabinet, and to bring about a ministerial crisis.

In so far as the vote of Justice Ogazon, it is explained by some as being dictated by motives of personal delicacy, as, if Mr. Lerdo should continue in the cabinet, Mr. Ogazon would remain exercising the presidency of the court, and enjoying an increase of two thousand dollars of salary.

The Globe applauds the decision of the court, and considers it as a reprobation of the policy of the cabinet, but it doubts that a ministerial crisis will occur.

The Monitor announces the refusal of the leave, under the head of "Fall of the Lerdo cabinet," and states that in the discussion of the affair in the court, one of the justices said: "Providence or chance has placed in our hands the indirect judgment of the policy of the country, and that policy is false, feeble, and untoward, in every point of view. In our sphere, and in conformity with our legal attributes, we may point out the obstacle that renders sterile the victory of Mexico, and that divides the great liberal party."

The Monitor manifests great satisfaction at what has taken place, and urges the President to appoint a new cabinet in harmony with the inspiration of the public opinion, and recommends for that purpose his worthy minister, Vallarta, the only one who merits the confidence of the constitutional party.

This article of the Monitor is signed by Mr. Guillermo Prieto. The same paper announces that Mr. Martinez de Castro, after the occurrences of yesterday, has resolved not to return to the cabinet.

The Constitution Social, without comments, gives the notice of the leave having been refused.

The Opinion Nationale states what has occurred, and awaits full information before expressing its opinions.

The other papers give the news without remark.

It cannot be denied that the incident of yesterday is very grave, and that, in fact, it restricts the liberty of the President freely to select the members of his cabinet.

It is also very serious for the judicial power to intervene in politics, whether it may be taking part in practical questions or in deciding those that are purely abstract.

But, as in fact the liberty of selecting ministers, so far as relates to members of congress, or magistrates of the supreme court, has the restriction of the permission of congress, or of the court, it cannot be said that in this instance the supreme court of justice has exceeded its attributes, or has proceeded beyond its rights.

We can understand very well that the enforced separation of Mr. Lerdo must be extremely painful for the President of the republic, who, in the most critical, perilous, and solemn moments, has relied upon the patriotism and the abnegation of his minister of relations.

But so long as what takes place is not outside the legal order, it has to be accepted, and to be put up with.

We do not believe it prudent to insist upon obtaining leave for Mr. Lerdo, because from that step will only result a slight to the executive. We remember, that when some time ago congress refused leave to Mr. Berdusco to enter into the treasury department, although the presidential prerogative was wounded, Mr. Juarez had the calmness and the prudence to look for another minister.

In the present situation, when it is so urgent to re-establish peace, and to reorganize the public administration, it is not in any manner desirable that the march of the government should be paralyzed, or that difficulties should be raised that may embarrass its action. The moral responsibility of a change of cabinet will not rest upon the President of the republic. This consideration should decide him to proceed to organize a new cabinet, whose programme should be strict compliance with the law, and the union of the liberal party.

With reference to Mr. Lerdo de Tejada, who remains in the second position in the republic, there is nothing in these occurrences that impairs his great merits, or that can lead to a forgetfulness of the distinguished services which he has rendered to the country in an epoch of trial, and when the statesman has required something more than talent and ability to persevere in the fulfillment of his duty.

The President of the republic is in a situation that permits him to overcome every difficulty, and to not pause in the work of the reorganization of the country. The antecedents of his public life, his self-denial and disinterestedness, are a guarantee that in the present moment he will have the prudence and the tact that are indispensable to continue governing in conformity with the constitution, and in accord with public opinion.

Mr. Plumb to Mr. Seward.

No. 142.]

LEGATION OF THE UNITED STATES,
City of Mexico, June 12, 1868.

SIR: With dispatch No. 133, of the 25th ultimo, I transmitted to the department translation of a law passed by the Mexican congress on the 6th of that month, suspending certain constitutional guarantees and giving to the executive certain powers for the maintenance of public order; and I alluded to the prolonged debate that had taken place upon the subject, both in congress and in the public press.

While the debate was in progress, the government, not content with its first initiative, recommending the readoption of a portion of the law of the 25th of January, 1862, availing of or under the spur of a conspiracy discovered in Guadalajara, made a further initiative to congress, and recommended the declaring in force of the whole of that law, as originally decreed.

The communication making this latter initiative on the part of the government was addressed to congress by the minister of foreign affairs, Mr. Lerdo de Tejada, then acting also as minister of government, and the initiative was followed up by a series of editorial articles in the *Diario Oficial*, the official organ of this government, which is as entirely under its control as is the *Moniteur* of Paris under that of the government of France.

The importance of the communication thus addressed by the government to the congress of the Union, and of some of the editorial articles referred to, as presenting an authentic statement of the situation of the country, and of the desires and policy of the government, has led me to deem it desirable to transmit translations of the same to the department, which I now accompany herewith.

I have the honor to be, very respectfully, your obedient servant,
E. L. PLUMB.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

INITIATIVE OF THE GOVERNMENT ASKING THE RE-ESTABLISHMENT OF
THE LAW OF THE 25TH OF JANUARY, 1862.

[From the *Diario Oficial*, Mexico, March 6, 1868.—Translation.]

I had the honor to-day to read to congress a communication dated the 2d instant, of which I inclose a copy, addressed to me by telegraph by the governor of the State of Jalisco, with reference to arrest *en flagrante delicto*, and with documents proving their guilt, of some conspirators against the general institutions of the nation, and against the legitimate authorities of the same, and those of the State.

The governor inquired if he should proceed, as they have continued to proceed in the State, in cases of like nature, in conformity with the law of the 25th of January, 1862, or in conformity with that of the 6th of December, 1856; urging the necessity of proceeding against the authors of the conspiracy with the greatest activity, and with all the rigor that the laws permit.

I have verbally explained to congress to-day the grave considerations which lead the government to believe that the congress of the Union should be pleased to declare in force for some time the law of the 25th of January, in order that the crimes that are repeated against order and the public peace, and against individual guarantees, may be repressed.

When the military operations of a prolonged war, which has profoundly moved all society, are but just terminated, it is inevitable that for some time it should be sought to place in action divers elements to disturb it.

We are sufficiently fortunate in enjoying more order and peace than under other simi-

lar circumstances; but the germs of revolution not being completely extinguished, it is necessary to direct all our foresight and energy to their extirpation, and to impede the return of the grave evils we all deplore.

Besides what has occurred in Yucatan, Guerrero, and Sinaloa, civil war is beginning to show itself in Puebla and Jalisco, at the same time that the kidnappings that are taking place paralyze and terrify society. As much or more than any other time the government hastens to the points of danger; the principal roads are guarded and made safe, and the police of the cities is being improved so far as is possible.

Nevertheless, it is impossible to guard every place, where crimes plotted by the incentive of great interests may be perpetrated; and the criminals are encouraged by the hope that if apprehended an imperfect administration of justice may afford them impunity. After so great disturbances it is not to be expected that the regular and efficacious action of the tribunals should be improvised in all parts of the country.

Nothing is further from the intention of the government than a desire to establish a system of bloodshed, which besides being iniquitous would be impolitic. On the contrary, when it was armed with all the power of a dictatorship, it put in practice a very lenient system, limiting the severe application of the laws to a very small number of the principal culprits. Otherwise, every class of society would have been left without guarantees, as has often happened among us, through the desire of conceding excessive guarantees to great criminals. The experience of more than fifty years teaches us what we arrive at by that means.

The vote of a great majority of the chamber on the proposition which was to-day presented to it, by some of its members, indicates that it may be the will of congress to declare the law referred to to be in force; and for this reason the government has thought that it should suspend its answer to the governor of Jalisco for the few days necessary for congress to declare its determination.

The citizen President of the republic has therefore directed, in unanimous accord with his ministers, that I address, as I have now the honor to address to congress, the following initiative:

PROJECT OF LAW.

Sole article.—The law of the 25th of January, 1862, respecting crimes against the nation, order, the public peace, and individual guarantees, is declared to be in force until it be repealed by the congress of the Union.

Independence and Liberty! Mexico, March 4, 1868.

S. LERDO DE TEJADA.

The Citizens DEPUTIES SECRETARIES of the Congress of the Union.

[From the *Diario Oficial*, Mexico, March 10, 1868.—Translation.]

[Editorial.]

THE LAW OF THE 25TH OF JANUARY, 1862.

The first obligation of every government and people is to uphold the constitution they may have accepted, and therefore the essential duty of the government, and of the people governed, is to preserve the public peace, in order that the constitution may subsist, because without the one the other cannot be established, and, on the contrary, what should be put into practice always remains a theory. A constitution sanctioned by a majority of the votes, or the unanimous will of the nation, must be obeyed and respected, and the constitution itself determines, or ought to determine, what shall be done with the infractor of its principles; or, in other words, being the supreme law of the land, it must be respected either by will or force, and whoever seeks to make war against it should receive the corresponding punishment.

Constitutionalism consists in carrying the constitution into practical effect, without using either leniency or vigor, but by enforcing obedience to the law in accordance with what the law itself prescribes. But to defend rights by words against an enemy who avails himself of actions is not reasonable, nor has the legislator so thought, for it does not lead to the end proposed, which cannot be any other than that of making an effective reality of the constituted order.

The citizen contracts a moral and legal obligation with society and the tribunals, not only not to commit infractions against the fundamental code, but to fulfill all its precepts; and his obligations extend to contributing with his efforts to cause it to be respected by all other men.

Whoever places himself without the constitution places himself beyond the pale of the law, and he cannot claim the same treatment as one who remains within it; or, admitting that he be not considered as without the pale of the law, he at least remains

subject to the penalties which the latter may have assigned against the disturbers of the public order.

To preserve the constitution it is necessary to make it effective, and there is no other way except that of enforcing the obedience of those who by their conduct do not permit its strict observance; as, in order that there should be a constitution, it is indispensable that there should be order, this precious gift has to be sought not only by the means of preventative measures, but also by those that are repressive, because the first necessity is the common welfare, and this would not be possible if the prerogatives of individual liberties were not guaranteed against the attacks of the despotism of discontented minorities, who have recourse to arms to prevent the masses from enjoying their rights.

Judicial proceedings are open to the good and the bad without distinction, so long as the public peace is not disturbed and the constitution is not attacked by force; but from the moment that resort is had to disorder and to combat, and for this military bands are organized, it is altogether unquestionable that such proceedings are to be militarily dealt with, as an attitude of war against the nation is assumed.

Modern enlightenment often recommends moderation in the action of the law in cases of common crimes, and even in serious ones when it is not feared that their consequences may endanger the safety of the state; but whenever great risks exist that public and private interests may be compromised, as what is most urgent is the preservation of peace and order, good sense and the law impel governments of every kind to punish severely such parties as take a pleasure in impeding the progress and prosperity of the honest portion of society.

Highway robbery by armed bands is a crime which by its own character merits the greatest penalty the law assigns, because, besides being wanting in all that humanity instinctively inspires, it introduces iniquities and torments which martyrize and impoverish individuals, which carry ruin and bloodshed into the towns, and which degrade the nation. Universal law condemns to the penalty of death all who rob and murder in towns and inhabited places, after a proper trial, according to the process peculiar to each country; but to rob and kill on highways and uninhabited parts in bands, and to carry their boldness even to threatening the repose of cities and states, is a matter which demands a quicker and more energetic punishment, not only in seeking a penalty proportionate to the crime, but because delay in the action of justice may occasion evils of greater transcendency, and therefore the best and least cruel way is to avert from its commencement the necessity for war and slaughter on a larger scale, which are things repugnant to governments and enlightened peoples.

These and other analogous reasons have undoubtedly been those which have led the government of Mexico to propose to the sovereign congress that it should take into consideration the law of the 25th of January, 1862, so that if it should deem it advisable it should declare it to be in force, as it has not been abrogated; and in order that, in consideration of what is actually passing in various parts of the republic, measures may be rapidly and energetically taken for stifling at the commencement that spirit of anarchy which already begins to show itself with a threatening aspect.

The interest of the government in this question is the same as that felt everywhere by loyal and honest citizens, and is no other than that of the re-establishment of order and the preservation of peace, so that industry, commerce, agriculture, and arts and sciences may prosper, and that a constitution which has cost the nation so much bloodshed and wealth may be duly observed throughout the country.

[From the *Diario Oficial*, Mexico, March 11, 1868.—Translation.]

[Editorial.]

PACIFICATION OF THE COUNTRY.

The great question of the day in the periodical press, and in all circles, both public and private, is solely that of the necessity of immediate proceeding to the pacification of the country. There is not a single person who does not agree that reorganization is absolutely impossible if, as up to the present time, the system be continued of simply using words, when the greatest promptness and energy of action is required. Under such circumstances the government has submitted to the consideration of Congress a repressive law, against the abuses which are already being, with too great frequency, committed in various parts of the republic. This has provoked, as was natural, a discussion, in which some in good faith, and others according to their intentions, find faults and merits in the law in question, without a determination having yet been arrived at as to what may be best for repressing and chastising crime.

A proper spirit in general certainly prevails; but as things are not looked upon in the same manner by all, there are some who are of opinion that it is not yet time to apply penalties in all their rigour, and that perhaps it would be better to resort to the last

remedy, when the patient is at the final stage of his sickness, and that in the mean time we should use the lenient system, which is opposed to the shedding of blood. But there are others who believe that, in consideration of the common dangers, opinion will not delay in becoming unanimous, as far as it is possible, and that finally, what may be most conducive for guaranteeing individual security and securing public order will be decreed. The definitive decision is pending between two factions of the representatives of the people, who hold different views on the same subject. And thus, while some call themselves constitutionalists, and believe that the constitution itself contains the elements which will cut the evil short, others also call themselves constitutionalists, and believe that to be able to preserve the constitution it is necessary to treat insurgents as enemies to the fundamental charter, which authorizes no one to make war upon it.

There is, then, one common object of regard, which is the constitution: and the manifestation of affection for it consists, that some consent to save the object of their predilections without availing themselves of all the force it authorizes in the repelling of those who attack it; and others, on the contrary, will not admit that, on any pretext or in any manner, it shall be treated with disrespect.

All society is interested that this polemic be at once terminated, and that the guarantees be guaranteed which are promised by the constitution, and that the constitution itself be secured on solid basis, as it is, indeed, extremely painful that the people cannot enjoy the rights they have acquired, but are daily threatened by the despotism of kidnappers, and the insufferable tyranny of those who make a business of revolution, rendering impracticable the beautiful theories of our system of government.

It is repeated, even to satiety, but unfortunately without any use, that the only thing that we want is peace, as with that would come spontaneously all the other blessings of the earth; and, nevertheless, we wish it to subsist without severely repressing the habit of rebellion, and without extirpating the custom of highway robbery. The resources of the government and of the country will become exhausted, as has been the case at other periods, and there will be no means of transporting from point to point the troops that may be necessary to send to those places where anarchy has been propagated; and, what is worse, for want of means the soldiers become demoralized, and moreover it will never be possible to see realized the idea of presenting ourselves before the whole world as a nation without bayonets.

Our occupation will become the same as that of the women, condemned, according to the Grecian mythology, to be forever filling with water vessels that can never be filled, and our labor will not be concluded for many generations. It has not been the purpose of the government, in submitting the law of the 25th of January, 1862, to the wisdom of congress, that abuses should be introduced, which the government itself has endeavored to avoid; nor has it urged that it should be made general, over the whole republic, but solely that it be declared in force in so far as it relates to great criminals who cannot, by any humane means, be reduced to obedience and to respect for the constitutional order. Any other interpretation in a different sense is inexact.

The great care of the government is to weigh its present and future responsibilities, and make the laws of the nation respected, both abroad and at home, so as to promote the happiness of those who live within its territory, and to acquire a glorious name throughout the civilized world.

No enterprise of material advancement, of real importance, can be undertaken, because not only are the public funds day after day consumed in the interminable arrangement of intestine dissensions, but because the fountains of general wealth are paralyzed by the want of confidence, the insecurity of property, and the danger to which the lives of pacific citizens are exposed.

Neither can attention be directed to what conduces to labor and commerce, because the inhabitants have scarcely time to protect themselves against disturbances, kidnappings, and robberies. Thus, in a situation so perilous for all social interests, would it, perchance, be imprudent to positively protect the honest man and severely punish the bandit? It would be desirable that the ordinary means should suffice for suppressing crime, and not to be under the necessity of having recourse to more rigorous measures: but it is proved that by this means we cannot succeed in deterring the hordes of highway robbers from their profession of plundering, of violations, and of pillage: neither can those be converted who pass all their lives in rebelling against whatever order may be established.

It is, therefore, indispensable definitively to secure, with all energy, tranquillity in Mexico, in order to give life to the country, and to affront the snares of the enemy, as well as all the eventualities of the future.

The application of exceptional punishments is not asked for all the inhabitants of the republic, but solely and especially for such incorrigible beings as do not allow society to progress, and who will not co-operate in the development of industry and the encouragement of commerce. Therefore no one who does not enter into the ranks of the evil disposed has anything to fear, as it is evident it is not contemplated to establish for the future what is at the present time sought to be terminated. The government has

given sufficient proofs that its deliberate purpose is no other than that of maintaining order and tranquillity, demonstrating, whenever it has been able, that the balance of justice only inclines to the side of law, and that its only desire is that neither natives nor foreigners shall think lightly of the constitution of Mexico; that it shall be respected in every sense of the word and that it shall no longer be left exposed to the repeated attacks of those who are without country, and who recognize no power but their own caprices, and no influence but their political hatreds.

[From the *Diario Oficial*, Mexico, March 12, 1868.—Translation.]

[Editorial.]

PEACE.

The general clamor still continues of all who feel an interest in the welfare of the country, asking for the energetic suppression of the disturbances and crimes which unceasingly continue to take place, and are gradually involving all society in uncertainty, uneasiness, and alarm; and what inspires real discontent, and the greatest distrust, is not only what is happening at the present moment—although the actual state of things is sufficiently unfavorable—but what will infallibly occur in the future if the propagation of the evil be not checked at its commencement.

Hence it is that all acknowledge the imperious necessity of stifling forever the voice of anarchy, in order that the future of the nation may be as serene and beautiful as the past has been stormy and sorrowful.

In the state of affairs that at present exists, although with difficulty, and at the cost of pecuniary sacrifices, a pacification might be attained, if not absolute at least relative, were earnest endeavors made to cut up by the roots the evils which have lately again threatened us for the hundredth time; yet it is necessary to bear in mind, that the more the action of justice is hastened, the quicker and greater will be the benefit accruing to the country in general, and justice must be exercised with a strong hand, for the system of consideration and extreme kindness cannot correct those who are steeped in crime and have acquired a second nature of evil, and who constantly act perversely.

What is of the highest interest is to save society which is threatened; for if the problem of life or death be left to the slow resolution of time, opportunity will be afforded for the propagation of those incalculable evils of which we have continually to complain, and to a certain extent a chance will be given to the evil-doers to complete their work of destruction.

Prudence recommends the avoiding of delay when dangerous situations begin to present themselves, for the simple reason that it is easier and less expensive to struggle against a few than against many, and because as soon as passions arise and hostile elements accumulate in great proportions, it is clear that it becomes indispensable to make preparations in the same sense, which occasions expenses and disorders of every kind, sufficient to overcome not only peoples not yet organized, but the strongest and most wealthy nations, and this is the extreme we ought at all costs to avoid, in order not again to sink into the abyss out of which we have just emerged with so much martyrdom and so lamentable a history. If we were treating only of the suppression of such common crimes as remain after intestine dissensions in all countries, it would be well to use leniency towards the guilty, according as the case and circumstances might demand; but as that against which opposition is to be made is the constant state of war which fratricides maintain and wish indefinitely to perpetuate, it appears reasonable to procure peace through such means as, for such cases, are authorized by the laws of all nations, and to respond to the disturbers of the public order with the same arms of which they avail themselves. This must be done in order not to permit the continuance of evils into which an enlightened nation should not be led.

As the general opinion throughout Mexico is that it is now time to pacify the republic positively, and not imaginarily, this opinion should without delay be respected, and the cry of the honest inhabitants should be responded to by sincere and vigorous activity.

The merchant, the artisan, the farmer, the man of business, families, the majority, in short, of the inhabitants, demand personal safety and real guarantees against being the victims of pillage, demoralization, robbery, and assassination; and it is the duty of government to protect them in their properties and their lives, by extirpating the bands of highway robbers who, under different pretexts, oppress society, imposing upon it their despot measures, and killing those who refuse to follow their plans.

It being the common interest to save ourselves from a situation as precarious as irksome, as prejudicial as discreditable, what can be more just and proper than to apply to the patient the only remedy that experience has shown to be efficacious, and to

make ourselves respected by our own people and by foreigners; endeavoring at the same time to develop the elements of wealth, which up to the present period have been paralyzed by disorders and a spirit of systematic insurrection.

Public criticism having thus judged the present circumstances, it only remains to use the utmost rigor against those who have no other rule of conduct than their personal ends; and we trust there will be no one who will not sustain the idea of applying the law, with all its severity, against those who maintain themselves in a constant state of war against the country, and who prevent the constitution of the United Mexican States from being carried into practical effect.

[From the *Diario Oficial*, Mexico, March 20, 1868.—Translation.]

THE PRESENT SITUATION.

The public again saddens at the thousand rumors of pronunciamientos which incessantly circulate. Confidence in peace is being lost, and fears are unreservedly spread of a fresh war, arising from local questions which have sprung up in almost all of the States. This causes not only grief, but profound affliction in every breast, and on that account do the immense majority of the country cry out that the government, with extraordinary faculties, or without them, with the law of the 25th of January, or with those in force, should display the utmost energy in extirpating the causes of new calamities.

We are told that yesterday congress held no session. It is said that the day before, the minister for foreign affairs set forth in strong terms, during a secret session, the gravity of the situation, and that to-day some resolution will be come to respecting the initiative of the government for repressing the disturbers of the public peace, kidnappers, and assassins.

LA IBERIA.

Mr. Plumb to Mr. Seward.

No. 144.]

LEGATION OF THE UNITED STATES,
City of Mexico, June 15, 1868.

SIR: As at nearly the same date, the 9th instant, that I received your dispatch No. 61, of the 23d of May, relating to the outrage at Monterey, and stating that you awaited my report with reference thereto, my dispatch No. 131, of the 20th of May, treating of that subject, must have reached the department, I do not doubt that such instructions were then forwarded to me as the serious character of this case may, in your judgment, have seemed to demand, and I have therefore thought it my duty to defer addressing this government upon the subject until their arrival, especially as, to be effective in securing just redress for what has taken place, and in preventing the occurrence of such acts in the future, a direct expression of the feelings of the government of the United States with regard to this transaction appears to be necessary.

No allusion to the affair, or expression of regret at its occurrence, has yet been made to me by this government.

On the 13th instant I received from Mr. Ulrich, consul at Monterey, a letter, inclosing to me the affidavits of the parties who were the subjects of the outrage.

A copy of the same is transmitted to the department herewith.

I have the honor to be, very respectfully, your obedient servant,
E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Ulrich to Mr. Plumb.

CONSULATE OF THE UNITED STATES,

Monterey, May 27, 1868.

SIR: I have had the honor to receive your letters of May 6, 9, 11, and 12, acknowledging receipt of various letters of mine.

In fulfillment of your request in that of 12th of May, I herein inclose affidavits of the parties who were the subjects of the outrage of April 21.

In case I can render any further assistance in having this matter righted, you will please command me.

I have the honor to be your obedient servant,

J. ULRICH, *Consul.*

Hon. E. L. PLUMB,

U. S. Chargé d'Affaires, Mexico.

On this 28th day of May, A. D. 1868, before me, J. Ulrich, consul of the United States of America for Monterey, Mexico, personally appeared Samuel B. Kathrens, E. F. Liechardt, Forbes Potter, Henry Reiss, J. Montgomery, and F. Zapffe, to me well known, who, on being duly sworn, did depose as follows, and did in my presence sign their names to said affidavits:

I, *Samuel B. Kathrens*, am an American citizen, residing and doing business as a merchant in the city of Monterey. On the evening of the 21st of April, 1868, in company with Messrs. F. Potter, E. F. Liechardt, J. Montgomery, H. Reiss, F. Zapffe, and José Margain, had been taking some champagne at the billiard room of Mr. Zeigler, in the "calle de Dr. Mier," in this city, and at about 11 o'clock p. m. was proceeding home, (with the gentlemen above named,) distant from the billiard room not quite two blocks, the whole party talking and laughing in a lively manner, but making no discordant nor unusual noise. On our arriving at the corner of Commerce and Theater streets, under the balcony of the government palace, we were challenged and halted. Mr. Margain then left us, and went up stairs in the palace to inquire why we were so halted and detained, but did not return; and after a delay of some minutes the remaining six of us were marched to the prison, and this was done, as I understood at the time, by an order of the government. On our arrival at the prison our pockets were emptied in a forcible manner, ostensibly for purposes of safety, but leaving my watch on my person. We were then thrust into the yard of the prison, where we remained during the whole night. It was dark when we entered, and Mr. Liechardt, shortly after entering, went to urinate in one corner of the yard, and while so doing received a heavy blow from one of the officers in charge of the inside of the prison. At about four o'clock of the succeeding morning I was ordered to "llevar el caballo." To which, not understanding the order, I replied, "I had no horse." The most of us then seated ourselves on a bench, and shortly afterwards Mr. Potter was ordered in the same terms to do the same work, and not instantly proceeding to do so, was severely lashed four or five times. Mr. Liechardt next received the same order, and I told him "for God's sake to do it, as he would be treated in like manner." They were then ordered into one of the cells to carry out the vessel containing the accumulated filth of the prison. I heard blows administered, and found that Mr. Liechardt had received them for refusing to do this disgusting work. After daylight, Messrs. Zapffe, Potter, Liechardt, and myself were each given a small broom and ordered to sweep the prison yard; knowing what would be the consequences of our refusing to do this, we complied. Mr. Liechardt, who was next to me, not sweeping to suit the tastes of the officer who held the whip, (nervio de toro,) was again severely lashed. At about 8½ o'clock a. m. we were taken before the alcalde 1st, who, upon being informed by the policeman that we had been arrested by order of the government, remanded us until about 9½ or 10 o'clock, when he returned to his court and stated to us that he came not to try us, but to sentence, and declared each one of us subject to a fine of ten dollars, for creating a "scandale" the previous night. To this Mr. Montgomery objected, stating that some of the party had been sober, and had committed no offense, and the fine was remitted. We demanded, through the American consul, Mr. Ulrich, that Narciso Davila, official secretary of the governor, (who, we were informed by the alcalde, had personally ordered the arrest,) should be called as a witness. To this the alcalde objected, on the ground that he did not have the power to cite him. We finally were released without the payment of any fine, the alcalde in a manner expressing his regret at the occurrence. We had been confined during the previous night in the common jail yard with about sixty convicted criminals. Four of our party were not in the slightest degree under the influence of wine or liquor, and we were all in company together merely.

SAM'L B. KATHRENS.

Sworn to and subscribed before me.

[SEAL.]

J. ULRICH, *United States Consul.*

I, *E. F. Liechardt*, a citizen of the United States of America, residing and doing business as a merchant in the city of Monterey, Mexico, do solemnly swear: That on the night of Tuesday, April 21, 1868, I was in company with S. B. Kathrens, F. H. Potter, F. Zapffe, J. Montgomery, and H. Reiss, on my way home. While passing under the balcony of the government building, on Theater street, we were ordered to stop by a party of soldiers or policemen, and informed that we were arrested by order of Sr. Davila, official secretary of the governor, for causing a disturbance in the street. A Mexican friend of mine, Don José Margain, with whom I was walking arm in arm, requested me to wait a moment, saying that he would see Sr. Davila, and have us released; but Mr. Margain did not return, and we were taken to the jail. While we were standing in front of the prison, Mr. Adolf Landott, an American, came and offered himself as security for us all, that we would appear the next morning before the *alcalde* 1st, and answer to whatever charge might be brought against us, which offer, although Mr. Landott is a respectable person, with considerable means, was not accepted. I was then forcibly relieved of the contents of my pockets, excepting twenty-five cents. The other five gentlemen were treated in a like manner, excepting two of the party, who retained their watches. We were then pushed into the yard of the common prison, along with the condemned criminals. I was not long in the place before I had occasion to go into a corner of the yard to urinate, when, without any forewarning, I received a blow over my back with a cowhide, the mark of which remained for several days after the occurrence. At about four o'clock in the morning, Mr. Potter was told to *llevar el caballo*, (the prison name for the tub holding the excrement and urine of the prisoners,) which he refused to do, upon which he received several lashes on his back, which tore his coat and lacerated him severely. After this I was also told to go with Mr. Potter, but not understanding what they meant by the "*caballo*," I told them I had nothing to do with the horses, when Mr. Kathrens said to me, "for God's sake go and see what they want, or they will beat you also." I then got up from where I was seated, and Mr. Potter and myself were led into a room, (we had been kept in the open yard all night,) and were ordered to lay hold of the large tub containing the accumulated filth of the prison for the twenty-four hours previous. On seeing what they wanted I refused to do the disgusting job, when two severe cuts were at once laid on my back by the officer who had charge of the inside of the jail; so, fearing the consequences, I assisted in doing the filthy work, and we carried the tub to the middle of the prison yard.

At about daylight one of the jailors handed a small broom to Messrs. Kathrens, Potter, Zapffe, and myself, ordering us to sweep the prison yard. I did not sweep so as to suit the jailer, when he struck me two severe blows on my back, which left their marks for several days on my person. I then offered the twenty-five cents which had been left in my pocket to one of the regular prisoners of the jail who would take my broom and finish the job. One of them accepted the offer, and by this means I saved myself from further ill treatment.

Between eight and nine o'clock we were liberated to appear before the *alcalde* 1st, and while waiting for him to make his appearance I went in search of a lawyer to put our case in proper shape. While I was absent on this errand the other five gentlemen were taken before the *alcalde*, so I know little of what then took place, other than that when I returned I heard him say to the United States consul and Mr. Landott that they should come in the afternoon and hear his decision. Mr. Landott went at the time appointed, and was told that none of us would be fined, and that he, the *alcalde*, was very sorry that the affair had taken place.

E. F. LIECHARDT.

Sworn to and subscribed before me.

[SEAL.]

J. ULRICH, *United States Consul*.

I, *F. H. Potter*, a citizen of the United States of America, by profession a merchant, and temporarily resident in Monterey, Mexico, for the purpose of collecting an amount due me for arms sold to the government for the use of the army under General Escobedo, do solemnly swear: That on the evening of April 21st 1868, while on the street, I was met by two friends, E. F. Liechardt and Samuel B. Kathrens, who invited me to their store to take a glass of wine; after doing so we went to the billiard room of a Mr. Zeigler, where we found some other foreigners, among whom were Messrs. Montgomery, Reiss, and Zapffe, and where we were afterwards joined by Sr. José Margain, and other Mexican gentlemen not known to me. This was about ten or eleven o'clock p. m. We then took some champagne, and without unusual noise, other than talking and singing. About this time, Messrs. Liechardt and Kathrens showed some signs of intoxication, but did not create any great disturbance. We then proposed to go home, and as nearly all of us lived in the same direction, we decided to see these two gentlemen to their homes first. We then started, Mr. Kathrens and myself taking the lead. When under the balcony of the governor's palace, we were halted by a body of policemen; when very near us they cried out the usual "*quien vive*," and I, being in the advance, answered "*Mexico*,"

not thinking of being stopped at this hour; we walked quietly along, when the police confronted us. I then asked the chief of the policemen what he wished, and he answered that we were under arrest. I asked him for what offense. He replied "by order of the secretary of the governor." By this time the rest of the party came up, and on their asking what was the matter, the policeman repeated what he had told me. This took place about one block from the billiard room, and but three or four doors from the store of Messrs. Liechardt and Kathrens. The police felt (or seemed to do so) very reluctant about arresting us, but the only reason given to us for their so doing was that they were ordered to do so by Secretary Davila. At this time Mr. Margain, who was of the party, stated that, as the secretary was a friend of his, he would go and see him about the matter; so Mr. Margain and the other Mexican gentlemen of the party, and the chief of the police squad, went up stairs into the palace to intercede for us. After about twenty minutes the policeman returned alone, and told us we must go to prison. Our Mexican friends, Mr. Margain and the others, being allowed to go to their homes. We proceeded under charge of the police, without any remonstrance or resistance whatever on our part, as we supposed when we explained the matter to the alcalde, and he found most of our party entirely sober, he would allow us also to go to our homes. On our arrival at the door of the jail we were ordered to enter the hall leading to the gate of the prison yard. We then asked the alcalde why we were there? He replied "by order of the secretary of the governor," and then in a very insulting manner ordered his men to search our persons. Mr. Liechardt was the first person searched, and, not contented with his delivering up the contents of his pockets, they insisted on being allowed to thrust their hands in. After they had done searching him, they put him inside the door of the prison. On their commencing to search me, I asked as a favor that they would allow me to give them what my pockets contained. At this they became very indignant, insulted me with abusive language, shoved me against the wall, and forcibly thrust their hands into my pockets, taking from me everything but my watch. As I had that evening had an interview with General Escobedo regarding a claim I have for several thousand dollars against the government, I had in my pockets the papers relating to said claim. These papers and my private letters were taken from me, but were returned to me the next morning. Mr. Kathrens was treated in the same manner. At this time Mr. A. Landott, an American citizen, a man of property, established in Monterey, came to the jail, when two of the party were allowed to deposit with him their effects. Mr. Landott then offered to the alcalde that he would be responsible for our appearance before the proper authorities in the morning if they would release us. He answered that this was not possible, as we were sent to the prison by order of the secretary of the governor. The doors of the jail were then opened, and we were in an insolent manner ordered to enter. We were put into the filthy yard of the jail, where were lying around fifty or sixty of the convicts. After we had entered, Mr. Liechardt and myself went to the back part of the yard together, for the purpose of urinating. While doing this, an officer of the prison came up to us from where he was sleeping, and struck Mr. Liechardt a severe blow with what they call a "nervio de toro," at the same time abusing us with the most insulting words in their language. We then sat down upon a bench, in the rear of the yard, to pass the night as we best could. At about four o'clock next morning the prisoners were called up for their coffee or soup, and when they saw us sitting there, they or many of them commenced insulting us, by hooting at us and using towards us language which it is impossible for me to express in any but their own language. After finishing their coffee or soup, they gathered about us, when a man whom they call the "president of the prison" came to me, as I was sitting first on the bench, and ordered me to go and "llevar el caballo." Mr. Liechardt, who was sitting next to me, not understanding what he wanted, told him "we don't want any horse." At this the prisoners commenced again insulting us. He then repeated his order to me; I replied that I did not understand him. He then repeated his order several times, and to each repetition I replied "no, Señor." He then went to a room in the jail and returned with a whip (nervio de toro) in his hands. This proceeding was again greeted by the shouts and jeers of the convicts. He repeated his order, and then, on my again refusing to obey, he said "if you won't go I will make you," and then commenced beating me on the shoulders and back very severely. He again repeated his order, adding "will you go now?" To which I again replied "no, Señor." I then asked my companions if I should go, and they answered no. I did not move. He then again beat me, the marks of all these blows being visible on my person for over two weeks. About this time some of our party said I should go, or the next blow might be over my head. I then started, this fellow walking directly behind me, with his whip in such a position as to enable him to use it with facility. Mr. Liechardt followed, seeing that it would be folly to refuse anything demanded of us. We passed into one of the cells, and were there shown what the "caballo" was—a barrel containing the filth of the prisoners of the previous day, which emitted a sickening stench. On Mr. Liechardt's entering the cell where this vessel was, becoming sick from the effluvia, he walked in slowly with his hand to his nose, seeing which the man gave him a severe blow with the whip to hurry him up. We were then ordered to take the barrel and carry

it to a corner of the yard, which we did. After we had put the barrel in the corner Mr. Liechardt remonstrated against this treatment, when he was again beaten severely. After this, they brought some brooms and ordered us to sweep the yard. We did not refuse to do this, but went to work as best we knew. At this point another official made his appearance, and with whip in hand seemed watching for an opportunity to use it. Mr. Liechardt it seems did not use the broom so as to please him, when he was again beaten upon the back. During all this time we made no reply to the insulting language which was applied to us. At about seven o'clock we wrote a note to the United States consul here, asking him to have us released if possible, as we were in constant fear that something worse would come; and it was with great difficulty that we could get a messenger to carry our note. At about eight o'clock we were released from the jail, through the influence of the consul and other friends, (foreigners.) We were, at about ten o'clock, taken before the "alcalde primere," who came into the court room, and, seating himself with much dignity, and without the public hearing of a single witness, stated that we had been guilty of creating a "scandalo" in the streets, and that we should pay a fine of ten dollars each, and at once called his secretary to record our names and the fine. Upon being asked where his proofs were that we had created a "scandalo," he said his proof was furnished by Mr. Davila, official secretary of the governor. The consul then requested that the witness should be brought into court. The alcalde answered that this could not be done. At this time it was told to the alcalde that four of our party were entirely sober when arrested. He then asked who were the parties intoxicated, and was told that Messrs. Liechardt and Kathrens had been slightly in that condition. He then said he would remit the fine of the four who were guiltless of any offense; but on being informed of the treatment we had been subjected to in the prison, he also remitted the fine of the other two. We then, having obtained the service of a lawyer, carried the matter before the *jurez de detras*, where the case now is.

F. H. POTTER.

Sworn to and subscribed before me.

[SEAL.]

J. ULRICH, *Consul*.

I, *Henry Reiss*, a citizen of the United States of America, residing and doing business as a carriage manufacturer in the city of Monterey, Mexico, do solemnly swear: That on the night of the 21st of April, 1868, between the hours of ten and eleven o'clock, I was in the billiard room of Mr. Zeigler playing a game of *encher*, in company with Mr. Zapffe, Mr. Montgomery, and others. While so engaged, Messrs. Liechardt, Kathrens, and Potter came in, and Mr. Liechardt invited us to take some champagne with them. On our refusing, he insisted, stating that as he had received good news, of much value to him, we must drink with him. We then took some champagne and were joined in doing so by Señor José Margain and some other Mexican gentlemen. After this Mr. Liechardt asked us to accompany him home, which, with the rest of the party, we did. When under the balcony of the palace, and a short distance from the store of Messrs. Liechardt and Kathrens, we were halted by some policemen, in the usual manner, when I responded to their demand of "quien vive," "Mexico," and then told them we were Americans. The police then told us that they had orders from the governor to arrest us. I also asked them if they did not know me, to which they answered, "Yes, we know you all." We then asked the cause of our arrest, and were told by the police that they knew nothing about it. At this time one of the policemen started to go to the palace, in company with Señor Margain, leaving the rest of us in the street in charge of two policemen. Mr. Margain did not return. The policeman returned after a short time, and told us that he could do nothing, as the governor was not at the palace, but that he had spoken with the governor's secretary, Señor Davila, and that he had ordered him to take us to the prison and treat us with rigor. The Mexicans who had been along with us were allowed to go to their homes. We were then marched to the prison, and stopped at the entrance, or "saguan," and there searched, and our property taken from us. After this we were put into the yard of the prison, with over sixty criminals of every grade of crime, with whom we had to pass the night, subjected to all sorts of insults. Immediately after our entrance into the yard of the prison, Mr. Liechardt went to a gutter in a corner of the yard to urinate, when he was struck a severe blow with a whip, called "nervio de toro," by one of the officers in charge of the inside of the prison. We passed the night as well as we were able under the circumstances. At about four o'clock next morning they ordered two of our party to clean the privy, and on their refusing to do it they were beaten by the officer so severely as to retain the marks for several days on their persons. We were then ordered to sweep the yard, and some of our party, not sweeping to please them, were again beaten. There was no resistance made by any of us to the arrest; neither had there been any hallooing nor disorderly conduct by any of us while in the street. There were only two of the party at all under the influence of liquor, one of them perfectly "at himself" the other considerably intoxicated, but neither of them disorderly. The other four were per-

fectly sober, and we were walking along conversing in an ordinary tone. I was in the rear with Mr. Montgomery, and if there had been any unusual noise I would have heard it. In the morning, when we were brought before the *alcalde 1st*, he stated that we had been guilty of creating disturbance on the street, and that he came to sentence us, not to try us. That he had just been to the palace and heard there all the particulars, and therefore would sentence us to pay a fine of ten dollars each. We remonstrated against this summary proceeding, claiming that as we were guiltless of making any disorder we should not be punished, and asked him to produce his witnesses in open court. He said he had all the facts from *Señor Davilo*, official secretary of the governor, and that he could not compel him to appear and testify. We then satisfied him of our innocence, and he remitted the fines as to four of us, and subsequently of the other two. His attention was then called by the United States consul to our bad treatment in the jail, when he stated that we could obtain redress for all our grievances in the courts. We made no noise in the streets before our arrest. We made no resistance to the arrest. We had no quarrel with the convicts in the prison. All the whipping was done by officials of the jail.

HENRY REISS.

Sworn to and subscribed before me.

[SEAL.]

J. ULRICH, *United States Consul*.

I, *J. P. Montgomery*, a citizen of the United States of America, resident in Texas, a stock-raiser by profession, now trading in arms in the city of Monterey, and having some time since furnished arms to the republic of Mexico, do solemnly swear: That between the hours of ten and eleven, on the night of the 21st April, 1868, I was in Zeigler's billiard room, in company with Messrs. Reiss, Zapffe, and others, playing a game eucher for amusement. While so engaged, Messrs. Liechardt, Kathrens, and Potter entered the establishment, and invited us to take some champagne with them, which at first we refused. Mr. Liechardt then insisted that we should do so, stating that he had received some good news, worth over \$3,000 to him, and that we must join him in celebrating the event. We then joined him in drinking some champagne, and he then requested us to accompany him to his home, which we all proceeded to do in company with some Mexican gentlemen of the party. When at the governor's palace, not seventy-five yards from the store of Liechardt and Kathrens, we were halted by some policemen in the usual manner, when Mr. Reiss, who was walking with me, (we being in the rear of the party,) answered to their challenge of "*quien vive*," "*Mexico*." They then said something else, which I did not understand, to which he responded, "*Somas Americanos*." The police then told us that they had orders from the government to arrest us. Mr. Reiss then asked him if he did not know him. He answered that he knew all of us. We then asked why we were arrested, to which the police answered that they did not know the cause of the arrest. At this time one of the police, in company with Dr. Margain, one of our party, who had also partaken of champagne with us, left the balance of us on the street in charge of the policemen until their return. Soon afterwards the policeman returned and told us he could do nothing, as the governor was not in the palace, but that he had talked with the governor's secretary, and that he had ordered him to put us in prison and treat us with rigor. The Mexicans who were with us, however, were allowed to go to their homes. We were then taken to the jail and placed in the "*saguan*," a front entrance, where the whole party were searched, and all that they had forcibly taken from them. Nothing was taken from me, as I had nothing valuable about my person. They then put us into the open yard, inside of the prison, where were some sixty or more convicts, murderers, and robbers of every grade, and vermin innumerable, and in this yard and in such company we passed the night, subject to jeers and insults of every kind. Immediately on our entrance into the prison one of the party went into a corner of the yard, where there is a gutter, to urinate, when one of the officers in charge struck him a severe blow with a whip called "*nervio de toro*." We passed the night as we could, not trying to sleep, as we did not know what might be done to us if we did by the wretches by whom we were surrounded. The next morning, at about four o'clock, they called on two of us to clean the privy, which they at first refused, but were compelled to do it by the officer in charge, who beat them severely for their first refusal. The marks from this beating remained on their bodies for several days. We were then put to sweeping out the yard of the jail, and when this work did not suit them they again lashed some of the party. When the arrest was made there was no hallooing or noise, nor did I hear any of the party making a noise on the street during the night. There were only two of the party at all under the influence of liquor, and of these one was perfectly at himself. The other was considerably intoxicated, but made no noise whatever on the street. The other four were perfectly sober, and we were going along conversing in an ordinary manner. I was some distance in the rear of the party, with Mr. Reiss, and I heard no noise coming from those in front. In the morning, when we were brought before the *alcalde 1st*, he commenced by stating that he did not come to try us, but to sentence us for creating a "*scandalo*" on the

street. That he had been to the palace, and had heard the particulars of our case, and that he would, therefore, fine us ten dollars each. Against this we remonstrated, claiming that as most of us were innocent he was doing us great injustice. We then demanded that the witnesses should be produced to prove the charges against us. These witnesses were not produced. On our satisfying him that most of us were not guilty of having been drunk, he remitted the fine as to four of us, and afterwards remitted also the fine of the other two.

J. P. MONTGOMERY.

Sworn to and subscribed before me.

[SEAL.]

J. ULRICH, *Consul*.

I, *L. P. Zapffe*, a native of Norway, resident over ten years in the United States, now living and doing business as a watch-maker in the city of Monterey, do solemnly swear: That on the night of the 21st of April, 1868, I was, in company with others, in the billiard room of Mr. Zeigler, in the city of Monterey, playing a game of eucher for amusement. While so engaged, Messrs. E. F. Liechardt, L. B. Kathrens, and F. H. Potter entered, and asked us to join them in partaking of some champagne, which we did, and were afterwards joined by Don José Margain and other Mexicans whose names I do not know. While doing this none of us were disorderly, nor made any noise other than would usually take place under such circumstances. It being between ten and eleven o'clock, it was proposed we should go to our homes, and as we all lived in nearly the same direction, we (Messrs. Liechardt, Potter, Kathrens, Montgomery, Reiss, and myself, and the Mexicans who were with us) started to do so, and while on the street made no noise or other disturbance other than talking, and that not in a noisy manner. When under the balcony of the governor's palace we were saluted with the usual "quien vive" by a squad of policemen, to which one of our party answered "Mexico." They then drew their sabers, ordered us to halt, and the one who appeared to be in command told us that he arrested us by order of Señor Davila, secretary of the governor. By this time the rest of the party came up, and were told the same. Mr. Margain, who was included in the arrest, then said that, as he was a personal friend of Señor Davila, he would go up stairs and try to have us released. The chief of the squad of police and the other three Mexicans accompanied him, leaving us in the street under the charge of the remaining policemen. After about twenty minutes the policeman returned (without the Mexicans of our party, who had been allowed to go to their homes) and told us that the secretary had ordered him to take us to jail. Without any resistance whatever on the part of the six of us (foreigners) who remained, we went to the jail, hoping that when the alcalde in charge of the prison saw that most of us were sober he would release us. On our reaching the prison we asked the alcalde why we had been arrested, when he answered in a very insolent manner, that we had been sent to prison by order of the secretary of the governor. We were then searched, and all we had about us taken from us, excepting the watches of two of the party. The searching was done in a very rude and violent manner. At this time Mr. Landott, a man of property, doing business in Monterey, and well known, made his appearance, when two of our party were allowed to deposit their property in his hands. Mr. Landott then offered himself as security for the appearance of all of us to answer any charges that might be made against us in the morning. This was refused by the alcalde, he stating that, as we were sent to prison by order of the governor's secretary, he had no power to release us on bail. We were then ordered to enter the prison, and were placed inside of the yard where were confined fifty or sixty of the convicted criminals of the state. Two of our number, Mr. Liechardt and Mr. Potter, went to the gutter in the yard to urinate, and while so engaged a man jumped from his bed and struck Mr. Liechardt a severe blow on his back. We then seated ourselves on a bench in the yard to pass the night. We sat there, very cold and uncomfortable, until about four o'clock in the morning, when the convicts were called to take their soup or coffee. When they saw us, they commenced insulting us in the most disagreeable manner, using towards us the most obscene and filthy words of their language. To all this we made no reply, as we feared from their number we would be very roughly handled if we did so. This was continued until an officer, called the president of the prison, made his appearance and ordered us to "llevar el caballo." Mr. Liechardt, not understanding what was meant by this term, answered that he had no horse. At this the convicts again commenced hooting at and insulting us. The official then addressed Mr. Potter, who sat first on the seat, who told him he did not understand him. The demand was repeated several times, Mr. Potter answering always "no, señor," when the official drew from under his blanket a whip ("nervio de toro") and struck Mr. Potter very severely across the back and shoulders, all of which was repeated three or four times more. We then advised Mr. Potter to go, as we feared any further refusal would be still more severely treated. At this he arose to go to the place pointed out, and Mr. Liechardt was ordered to accompany him. They then went inside of a room and found a large tub filled with the filth of the prisoners, which they were told to carry out. While these two were in the room

I heard several blows, and afterwards saw Mr. Potter and Mr. Liechardt carrying the tub across the yard. While they were passing behind the "tanke," near the "commn," I heard the official cursing these gentlemen, and also heard other blows administered. Soon after this another official made his appearance and ordered us to sweep the yard. We complied with this order, the man in charge standing behind us with a whip. Mr. Liechardt, not sweeping to suit him, was struck several times. There was no row between us and the convicts; we endured their insults without a word. The beating was all done by officers of the prison. At seven or eight o'clock we were allowed to go outside and wait until we should be heard by the alcalde 1st, and at about ten o'clock we were taken to his court. This gentleman then, without hearing a witness, told us that he came to sentence us for creating a "scandalo" on the street, and that he would fine us ten dollars each. He was then asked to produce the witnesses. He said the secretary of the governor was his witness, and that he could not compel him to appear. We objected to the fine as unjust. He then asked if none of us were drunk. The reply was that two, Messrs. Liechardt and Kathrens, had been, but that no one had been disorderly. He then said that he would only fine these two, and afterwards withdrew this sentence. The American consul then called his attention to the treatment we had received while in jail, when he sent for the parties who had ill-treated us, the alcalde, the "presidente del carcel," and the chief policeman who made the arrest, and after hearing their statements told us he regretted the treatment we had received, and that we could get redress in the proper courts.

L. P. ZAPFFE.

Sworn to and subscribed before me.

[SEAL.]

J. ULRICH, *United States Consul.*

Mr. Plumb to Mr. Seward.

No. 147.]

LEGATION OF THE UNITED STATES,
City of Mexico, June 19, 1868.

SIR: In the debate which took place in the Mexican congress on the 20th ultimo, upon the subject of the payment of interest on their foreign debt, a translation of which accompanied my dispatch No. 135, of the 27th May, the minister of the treasury, Mr. Romero, read a letter which had been addressed to him by the London bondholders recently, with regard to an arrangement of their affairs with this government.

The reply of Mr. Romero to this letter was published here, in the *Diario Oficial*, on the 17th instant.

As the amount of the debt held by the London bondholders is reported to be over sixty millions dollars, and forms a powerful influence bearing upon the foreign relations of this republic, I transmit to the department herewith, as a matter of information, a translation of this official communication relating thereto, of the Mexican government.

I have the honor to be, very respectfully, your obedient servant,

E. L. PLUMB.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

[From the *Diario Oficial*, June 17, 1868.—Translation.]

DEPARTMENT OF TREASURY AND PUBLIC CREDIT—SECTION 2.

I have received the communication which, under date of the 14th of April last, you were pleased to address to me, informing me that the Mexican bondholders in London had appointed a permanent committee, charged with the supervision of their interests, and authorized to negotiate the manner of arranging their business with the government of Mexico, and you conclude by stating to me that the committee is prepared to immediately open negotiations with the government of the republic, either in England by means of an agent accredited by the treasury department, or in this capital by means of a delegate which the said committee is disposed to send.

The government of the republic has already manifested, on different occasions, that it has the best disposition to pay all legitimate credits, and in fact has redeemed, since its return to this city, a part of the public debt.

It believes that, with the consolidation of peace, the revival of confidence, and the development of the natural elements of the country, its revenues will be augmented in such a manner that, before many years, it will have paid all of its debts that are legitimate in their origin.

Although the debt contracted in London belongs to that category, and the government recognizes it in principle, the fact that the bondholders made a new arrangement of the debt with Maximilian, who never had any right to bind the nation, and in this manner lent to him their aid and co-operation, places the debt in a different position, which cannot be arranged except by means of negotiations and mutual concessions.

Supposing that the committee appointed by the bondholders is disposed to send an agent to this city charged with the negotiation of an arrangement of their business with the government of the republic, I limit myself now to saying that the agent of the committee will be received by this department, and that it will be endeavored to make with him an arrangement mutually satisfactory.

I am your very attentive friend and obedient servant,

M. ROMERO.

Mr. W. W. HOLMES,

Secretary of the permanent committee of the Mexican bondholders, London.

MEXICO, May 22, 1868.

Mr. Plumb to Mr. Seward.

No. 148.]

LEGATION OF THE UNITED STATES,

City of Mexico, June 19, 1868.

SIR: On the 10th instant there was published in the *Diario Oficial* an official notice that Mr. Lerdo de Tejada had separated from the department of foreign affairs, on account of the supreme court of justice having refused the license asked by the government, that he might leave the exercise of the functions of president of the said court in order to continue in the ministry, and that the chief clerk remained in charge of the department. I inclose translation of said notice herewith.

On the 15th instant, but under date of the 10th, I received from the department of foreign affairs the customary notice of this change, as will appear in the communication, copy and translation of which are also inclosed herewith.

The withdrawal of Mr. Lerdo de Tejada from a direct participation in the executive government cannot but have a very important bearing upon the course of affairs in this country.

His ability, positiveness, and force of character have made him for some time virtually the soul of the administration, and there will be no one who can take the same place for a considerable period.

On the 16th instant there was published in the *Diario Oficial* an official announcement that the position of minister of justice and public instruction, rendered vacant by the continued illness and consequent resignation of Mr. Martinez de Castro, had been tendered to Mr. Mariscal, late chargé d'affaires in the United States; and yesterday his acceptance of that place in the cabinet of President Juarez was officially published in the same paper.

Mr. Mariscal, it is stated in the public journals, has also just been elected, by a popular vote, a magistrate of the supreme court, and, at the same time, also, deputy to the congress of the Union.

I have the honor to be, very respectfully, your obedient servant,

E. L. PLUMB.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

[From the Diario Oficial, June 10, 1868.—Translation.]

DEPARTMENT OF FOREIGN RELATIONS—SECTION OF CHANCELLERIA.

The citizen Sebastian Lerdo de Tejada, having separated from the charge of this department on account of the supreme court of justice having refused the license asked by the government, that he might leave the exercise of the functions of president of the said court in order to continue in the ministry, the undersigned, in his character of chief clerk, remains in charge of this department.

I communicate the same to you, by direction of the President of the republic, for the consequent ends.

Independence and liberty! Mexico, June 10, 1868.

MANUEL AZPIROZ.

The Citizen ———.

[Translation.]

DEPARTMENT OF FOREIGN RELATIONS,
Mexico, June 10, 1868.

SIR: I have the honor to communicate to you that the citizen Sebastian Lerdo de Tejada has separated from the charge of this department, and that the same remains in the charge of the undersigned, in his character of chief clerk.

With this occasion I have the satisfaction to protest to you my distinguished consideration.

MANUEL AZPIROZ.

Mr. EDWARD LEE PLUMB,
Chargé d'Affaires of the United States of America in Mexico.

Mr. Plumb to Mr. Seward.

No. 149.]

LEGATION OF THE UNITED STATES,
City of Mexico, June 24, 1868.

SIR: On the 16th of March last a commission was appointed by this government for the purpose of examining into the present state of mining in the republic, and especially into the system of imposts which now weighs upon that important branch of industry.

This commission was composed of a number of persons named by the government, and of delegates from each of the mining States, to be named by the miners themselves.

A translation is inclosed herewith of the order issued by the department of treasury appointing the commission, which fully explains the objects sought to be attained.

On the 25th ultimo this commission made a voluminous report upon the special subject of the existing imposts, which was submitted to congress by the minister of treasury just before the close of the last session.

This report concludes with the following important recommendation, viz: "The mining junta propose to the minister of treasury, as the sole means of rapidly raising this branch of industry to the grade of prosperity of which it is immediately susceptible, the absolute exemption of gold and silver from all duties."

Should action be taken by the Mexican congress at its next session, or at an early period, in conformity with this report, it would be of incalculable advantage to the industrial and commercial interests of this country.

It is almost too much to hope, however, that such action will soon be taken.

To show the burden resting upon the mining interests of Mexico, under the system of imposts in force at the date of the 1st ultimo, I inclose herewith a statement of the charges incurred by silver from the time it leaves the mine in bars until the proceeds are deposited in bank in England.

These charges, it will be seen, amount altogether to the enormous sum of twenty-five per cent., of which nineteen and one-half per cent. is for account of the government and the mint.

In addition to this burden, weighing upon this branch of industry, it is estimated that twenty per cent. or upwards of the silver contained in the ore is lost in the process of reduction.

It is very evident that against such obstacles mining in this country can progress only with difficulty.

I have the honor to be, very respectfully, your obedient servant,

E. L. PLUMB.

HON. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

APPOINTMENT OF A BOARD FOR THE REFORM OF THE IMPOSTS ON THE PRODUCTS OF THE MINES.

[From the *Diario Oficial*, March 17, 1863.—Translation.]

DEPARTMENT OF TREASURY AND PUBLIC CREDIT—SECTION 5.

Now that peace has been re-established in the republic, the President deems that the occasion has arrived for considering the subject of the improvement of the situation of the producing classes, and of providing such means as may be desirable for the encouragement of all branches of the public wealth.

One of those that requires, without doubt, the most particularly the care and protection of the government, is that of mining. It appears that nature has sought to make Mexico essentially a mining country, and there is every reason to believe that this important branch of the public wealth is scarcely yet explored. The government sincerely desires to encourage the mining interest by all the means that may be in its power, and especially that the system of contributions that now weighs upon it—and that many consider as an obstacle to its progress—shall be revised. It would certainly appear that the present system of imposts, which with such frequency press not upon the profits but upon the capital employed in that branch, is susceptible of improvement.

The President has observed with pleasure the earnestness with which the mining States have begun to promote this question, which is of a vital importance for the republic; and this has contributed to lead to the belief that the time has arrived to give attention to it.

As the great importance of the affair does not admit that it shall be decided precipitately, and without hearing the persons most directly interested in it, the citizen President has desired that there should be formed a mining board, composed of yourself and of Messrs. José Antonio Muchariz, José M. Godoy, Ismael Castelazo, Augustin Tamora, Miguel Bustamante, and Antonio del Castillo, for the attentive examination of the present state of mining in the republic, and especially of the system of imposts which now weigh upon it, reporting to the government all the measures that may be believed desirable for the encouragement and development of this branch, and proposing a system of imposts that, while it shall not be an obstacle to the mining interest, shall not deprive the treasury of the revenues that are now actually received from this source.

The President also desires that, if it shall be possible, you will occupy yourselves with proposing to the government such reforms in the ordinances of the mints and assay offices as shall be considered desirable in view of the modern advancements in the sciences.

The President, desiring to give a direct participation in this important work of improvement to the persons most directly interested in it, that by their experience and special knowledge may contribute the most efficaciously to attain the result proposed, has thought proper to direct that this department shall invite the miners of the States of Guanajuato, Zacatecas, Mexico, San Luis Potosí, Sinaloa, Sonora, Jalisco, Durango, Chihuahua, Michoacan, Guerrero, Oajaca, Puebla, and Vera Cruz, to send to the mining

board a representative for each one of those States, who shall be accredited to the supreme government by the governor of the State by whom he is sent, or name a person resident in this city to represent them.

The representatives of the mining States will have a voice and vote in the mining board, but will not receive any salary from the federal treasury.

To the end of giving time for the most distant States to accredit their representatives to the mining board, the President desires that the board shall be installed on the 1st of May proximo.

I repeat to you the assurances of my very distinguished consideration.

Independence and liberty! Mexico, March 16, 1868.

ROMERO.

The Citizen MARIANO GOMEZ,
President of the Mining Board, Present.

Statement of the charges on silver produced in the mines of Mexico, from the time of leaving the mine in bars until the proceeds are deposited in bank in England.

	Per cent.
1. Freight from the mine, (say mines of Real del Monte, twenty-two leagues from the city of Mexico,) including the necessary escort, on account of the want of security, to the city of Mexico, one per cent.	1
2. Difference between the intrinsic value of the bars of silver arriving at the mint and the rate at which they are accounted for in coined dollars, being the compensation and profit of the mint, stated in official reports to be five and one-eighth per cent., and acknowledged by the mint to be four and one-half per cent.	4.50
3. Government duties and other charges made in the mint, $5\frac{1}{2}$ per cent. to $7\frac{1}{4}$ per cent., as per statements herewith—say six and one-quarter per cent.	6.25
4. Agent's commission in city of Mexico, receiving and forwarding dollars, one-half of one per cent.	0.50
5. Freight by government conductor to Vera Cruz, three-quarters of one per cent.	0.75
6. Circulation duty, two per cent.; export duty, five per cent.; federal contribution, twenty-five per cent. on amount of the two preceding duties, or one and three-quarters per cent., making eight and three-quarters per cent. <i>government duties on dollars</i>	8.75
7. Agent's commission, receiving and forwarding at Vera Cruz, one-half of one per cent.	0.50
8. Petty charges at city of Mexico and Vera Cruz, as bags at Mexico, boxes at Vera Cruz, porter's charges, &c., one-eighth of one per cent.	0.12 $\frac{1}{2}$
9. Steamship agent's charge for embarking at Vera Cruz, which includes boat-hire, one-eighth of one per cent.	0.12 $\frac{1}{2}$
10. Freight from Vera Cruz to bank of London, one and one-eighth per cent.	1.12 $\frac{1}{2}$
11. Insurance, five-eighths of one per cent.	0.62 $\frac{1}{2}$
12. Brokerage on insurance, one-quarter of one per cent.	0.25
13. Agent's commission, receiving and selling dollars in London, and depositing proceeds in bank to credit of miner, one-half of one per cent.	0.50
Total	25

RECAPITULATION.

	Per cent.
Government and mint charges	19 $\frac{1}{2}$
Freight in Mexico	$\frac{1}{4}$
Freight and insurance to Europe	$\frac{1}{4}$
Commercial charges	2
Total	25

The export of uncoined silver, as also of ores, is prohibited.

From the best authorities it is also learned that, of the silver contained in the ores raised from the mines and carried to the reduction works in the most advanced mines in Mexico, upwards of twenty per cent. escapes and is lost, even under the most improved processes now in use.

This important branch of industry, therefore, labors under the disadvantage not only of the failure to extract that portion of the silver contained in the ore worked over, but also of having to bear charges to the amount of twenty-five per cent. upon the silver actually produced, and this whether the mines are yielding any returns upon the capital invested or not.

The foregoing statement is of charges as existing May 1, 1868.

1. *Statement of return made of 166 bars of silver from the mines of Real del Monte, delivered to the mint at the city of Mexico for coinage.*

Value reported at \$8 25 per marc.....	\$193,678 99
Duties:	
Three per cent.....	\$5,810 36
Assay.....	166 00
Real per marc.....	2,934 52
	<hr/> 8,910 88
Federal contribution, 25 per cent. on above.....	2,227 72
	<hr/> 11,138 60
Net.....	<hr/> 182,540 39

July 13, 1867.—Percentage of duties on value reported, 5½ per cent.

[It is to be observed that the intrinsic value of silver in bars is \$9 41 per marc.]

2. *Statement of return made of 77 bars of silver from the mines of Real del Monte, delivered to the mint at the city of Mexico for coinage.*

Value reported—silver.....	\$89,643 99
“ “ gold.....	1,058 49
	<hr/> 90,702 48
Charges:	
Separation, gold from silver.....	\$635 90
Government duties:	
Three per cent.....	\$2,721 07
Assay.....	83 00
Real per marc.....	1,358 24
	<hr/> 4,162 31
Federal contribution.....	1,040 57
Municipal and desagua.....	75 70
	<hr/> 5,278 58
	<hr/> 5,914 48
Net.....	<hr/> 84,788 00

January 23, 1868.—Percentage of charges on value reported, 6.52 per cent.

3. *Statement of return of 77 bars of silver from the mines of Real del Monte, delivered to the mint at the city of Mexico for coinage.*

Value reported—silver.....	\$89,560 45
“ “ gold.....	1,730 04
	<hr/> 91,290 49
Charges:	
Separation.....	\$1,184 32
Duties:	
Three per cent.....	\$2,738 71
Assay.....	89 00
Real per marc.....	1,356 97
	<hr/> 4,184 68
Federal contribution.....	1,046 17
Municipal and desagua.....	111 22
	<hr/> 5,342 07
	<hr/> 6,526 39
Net.....	<hr/> 84,764 10

February 10, 1868.—Percentage of charges on value reported, 7.14 per cent.

4. *Statement of return made of 85 bars of silver from the mines of Real del Monte, delivered to the mint at the city of Mexico for coinage.*

Value reported—silver.....	\$98,653 14	
“ “ gold.....	139 23	
	<hr/>	98,792 37
Charges:		
Separation.....	\$100 73	
Duties:		
Three per cent.....	\$2,963 77	
Assay.....	84 00	
Real per marc.....	1,494 74	
	<hr/>	4,542 51
Federal contribution.....	1,135 62	
Municipal and desagua.....	119 34	
	<hr/>	5,797 47
		<hr/>
		5,898 20
Net.....		<hr/>
		92,894 17
		<hr/>

February 22, 1868.—Percentage of charges on value reported, 5.97 per cent.

Mr. Seward to Mr. Plumb.

No. 71.]

DEPARTMENT OF STATE,
Washington, June 26, 1868.

SIR: Your dispatch No. 131, of the 20th ultimo, relative to the outrage inflicted upon six citizens of the United States at Monterey, on the 22d of April, has been received. The instructions which you say you await upon the subject have in part been anticipated by the communication to you from the department, No. 61, of the 23d ultimo.

No report of the close of the investigation of the case to which Mr. Lerdo de Tejada refers in his letter to the governor of New Leon, of the 9th of May, has yet reached here. If that report should come to your knowledge and should show that any person subject to the control of the Mexican government has been guilty of a delay or denial of justice to the citizens of the United States referred to, it is expected that that person will in some signal way be made sensible of the displeasure of that government.

I am, sir, your-obedient servant,

WILLIAM H. SEWARD.

EDWARD L. PLUMB, Esq., &c., &c., &c.

Mr. Plumb to Mr. Seward.

No. 150.]

LEGATION OF THE UNITED STATES,
City of Mexico, June 30, 1868.

SIR: As illustrating the opinions and action of the public men of this country upon questions of constitutional law, and as presenting what may be the beginning of a serious conflict between the general government and one of the most important of the Mexican States, I transmit to the department herewith, translation of proceedings in the impeach-

ment and removal from office of the governor of the State of Jalisco by the Mexican congress just prior to its late adjournment.

I have the honor to be, very respectfully, your obedient servant,
E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

IMPEACHMENT OF THE GOVERNOR OF THE STATE OF JALISCO BEFORE THE NATIONAL CONGRESS.

[From the *Diario Oficial*, Mexico, May 19, 1868.—Translation.]

CONGRESSIONAL REPORT.

In the city of Mexico, on the 9th of May, 1868, the congress of the Union being erected in grand jury, the citizen secretary of the section read in full the process verbal relative to the accusation which the citizen deputies Robles Martinez, Silviano Moreno, and Angulo make against the governor of the State of Jalisco, for abuse of authority and infraction of articles 20, 101, and 112 of the constitution, and the law of the 30th of November, 1861.

The report of the section was also read, which concludes with the following proposition:

"It is declared that the citizen Antonio Gomez Cuervo, governor of the State of Jalisco, is guilty of violation of the organic law of the 30th of November, 1861."

After some discussion, the following proposition was introduced:

"The discussion of the report of the section of the grand jury is suspended, for the reason that the cause cannot proceed to the determination of the guilt or innocence of the presumed offender, as notice has not been served upon him of the day fixed for the trial of his cause, that he may be heard in his defense."

After discussion, this proposition was adopted by a vote of one hundred and twenty-one against seven.

The following proposition was then adopted:

"The twenty-eighth day of the present month is hereby designated for the continuance of the proceedings commenced against the governor of the State of Jalisco, the citizen Antonio G. Cuervo, to whom there shall to-day be sent, by extraordinary express, the corresponding notification by the secretary of congress."

[From the *Siglo XIX*, May 26, 1868.—Translation.]

JALISCO.

The accusation of Mr. Gomez Cuervo, governor of the State of Jalisco, before the general congress, has been very badly received in Guadalajara, and has led to the issuance of the decree we insert below, and which reached here yesterday by an extraordinary courier.

Decree of the State of Jalisco.

Emeterio Robles Gil, constitutional governor substitute of the State of Jalisco, to the inhabitants of the same; be it known:

Considering that the fact of the congress of the Union having submitted the citizen governor of the State to trial, for having carried into effect the decree No. 61 of this legislature, implies the declaration that said legislature had not the power to issue said law.

That although it is true that article 29 of the federal constitution provides that in cases of invasion, grave disturbance of the public peace, or any other cause that may place society in great peril or conflict, solely the president, in accord with his council of ministers, and with the approbation of the council of the union, can suspend personal guarantees; yet when an imminent danger in a State, or the immediate repression of crime, are the questions treated of, the legislatures should have the right of dictating the measures necessary to check the evil, although this may occasion that in a certain manner some guarantees with regard to the offenders may be suspended.

That it is thus implicitly stipulated in articles 19 and 28 of the constitution of the State, on providing in them that extraordinary powers may be given to the governor, and that he may of his own accord assume them whenever the urgency of the case shall require.

That if the legislatures had not the right alluded to, and in virtue whereof that of the State issued its decree No. 61, the sovereignty of the States would not exist, since even for the providing for their own preservation they would have to apply to the federal government.

Number 88. The inhabitants of Jalisco, represented by their congress, declare :

ARTICLE 1. It is declared that the congress of the State of Jalisco had full right to issue the decree No. 61, and possesses full right to dictate all others that it may judge opportune in the sense already expressed.

ART. 2. It is declared that the government of the State has complied with its duty in carrying into effect the decree referred to.

ART. 3. As what is expressed in the preceding declarations involves a controversy between the State and the federation, which should be decided in conformity with article 98 of the general constitution, a copy of this decree will be remitted to the supreme court of justice, in order that it may direct that the corresponding trial be commenced.

ART. 4. That the legislatures of the other States be exhorted to support, if they shall think proper, the rights of which the congress of the Union seeks to deprive them in denying that they can legislate, suspending certain guarantees when necessity requires it.

Hall of sessions of the congress of the State, Guadalajara, 21st of May, 1868.

J. V. TAGLE, *Secretary*.

P. LAUDAZURÉ, *Secretary*.

RAMON LUNA, *President*.

Wherefore I order that it be printed and published in legal form, for its due fulfillment.

GUADALAJARA, May 21, 1868.

EMETERIO ROBLES GIL.

ANTONIO P. VERDIA, *Secretary*.

REMARKS BY THE EDITOR OF THE SIGLO XIX.

This decree gives rise to serious reflections. Whenever any high functionary is accused of infraction of the constitution or federal laws, it is the unavoidable duty of congress to subject him to trial, but this trial does not in any manner imply a declaration in respect to the acts of the legislatures.

The decrees of the latter are not revisable by the congress of the Union, and if individual guarantees be attacked by them, the law affords the injured parties the recourse of the courts for their protection.

The governors of the States are subject to two classes of responsibilities: as chiefs of the executive in each State, they are responsible before the respective legislatures, and as agents of the federation they are responsible before the general congress. The case may well occur of conflict between these two responsibilities; but keeping in view that the constitution is the supreme law of the country, and ought to be observed, notwithstanding whatever may be provided to the contrary by the particular laws of the States, and it being the federal courts that are charged with the application of the law of the Union, it is clear that the governors have to yield to the decisions and resolutions of the federal tribunals.

The suspension of guarantees can only be made by the President of the republic, in accord with his council of ministers and with the approbation of congress. This does not prevent the legislatures from conceding extraordinary powers to the governors, provided they neither attack nor suspend guarantees established by the general constitution.

This view is found set forth in one of the late circulars from the ministry of government, and the legislature of Queretaro acted in conformity therewith when it applied to the federal authorities for power to suspend the guarantee of free residence.

The constitution of the State of Jalisco authorizes the legislature to confer extraordinary powers upon the executive, but in no manner to suspend guarantees secured by the federal constitution.

If the States could decree such suspension and legislate on matters of individual guarantees, the union would exist only in name; the bonds of nationality would be relaxed, and the existence of the general powers would be almost superfluous, as they would be reduced to a complete nullity.

The sovereignty of the States should be complete in so far as relates to their interior regimen, but it should never be in opposition to the constitution.

In the internal affairs of the States the Union has in no way to intervene; but the

Union should take care that in all and in each one of the States the federal constitution be observed.

We have always defended the sovereignty of the States, and our ideas on this point have been received with favor throughout the country, and even by the official press of Jalisco, particularly when we mention that the congress would arrogate to itself powers not belonging to it if it attempted to revise the elections of the functionaries of the State or the decree of the legislatures.

These reflections are suggested by the "considerations" of the decree of the legislature of Jalisco.

In so far as relates to the resolutions it contains, it is at once perceived that it is of no consequence that the legislature itself approves of its own acts, or of those of the governor.

It does not follow from such declarations, that there will be any controversy between the State and the federation, as the latter has not pronounced any decision in the matter, and thus the question does not come within the provisions of article 98 of the constitution, nor does any controversy exist upon which the supreme court of justice has to open trial.

The excitative addressed to the other States by the legislature of Jalisco, that they should sustain its pretensions, is very grave, because it is equivalent to inciting them to an unconstitutional course, that would subvert one of the fundamental bases of our political system, which consists in the supremacy of the Union and of the federal law. A bad interpretation of local sovereignty may have dangerous consequences. An exaggeration of the rights of the States produced the late civil war in the neighboring republic, placed it on the brink of ruin, and was most disastrous above all for the States that sought to place themselves above the Constitution.

It is to be hoped that the legislatures of the other States will not follow the path indicated to them by that of Jalisco, because that course would lead to discord, to anarchy, and the dissolution of the republic. It is also to be desired that the executive of the Union should take part in this matter, and make the States understand that they cannot place themselves above the constitution, and that their sovereignty depends precisely upon the deference they maintain for the federal law.

In the accusation and the trial of Mr. Gomez Cuervo there is no conflict or controversy between the federation and the State of Jalisco; there is simply an ordinary case of responsibility, which has to be decided by the grand jury, whose competency is undoubted, and has been recognized by the accused himself, when endeavoring to justify his acts, and in giving notice that he should make use of the right of defense.

The grand jury, in declaring the guilt or innocence of the accused, does not revise the decrees of the legislature of Jalisco, but decides whether the governor attacked or not the federal authority, and whether he violated or not the constitution by disregarding and disobeying the protection extended by the judge of the district in favor of citizens who were shot half an hour after there had been extended over them the judicial authority of the Union.

We do not wish at present to express any opinion as to what should be the decision of the jury, and will only remark that it would be undesirable in the highest degree, if any controversy should defeat the right to censure public functionaries and to make effective their responsibility.

In the jury there will undoubtedly be the utmost justice, as is indicated by the fact of having suspended its proceedings to give time for the defense of the accused, and there will also be sufficient calmness to proceed as behooves so august a tribunal, without being disturbed by the decree of the legislature of Jalisco.

The trial is to take place on the 28th. If the defendant should be absolved, he will continue in the government, full of prestige and respectability.

If he should be condemned, this decision will make manifest that the constitution and individual guarantees cannot be trampled upon with impunity; that the responsibility of public functionaries is not a vain promise; and that there really exist legal remedies against the arbitrary acts of power.

To oppose the taking place of this trial, as appears to be the intention of the legislature of Jalisco by its last decree, is a serious error, which almost involves the confession of the culpability of the accused.

Circular addressed by the minister of government to the governors of the States.

[From the Diario Oficial, Mexico, May 28, 1868.—Translation.]

SECRETARYSHIP OF STATE AND OF THE DEPARTMENT OF GOVERNMENT—SECTION 1ST—
CIRCULAR.

I this day communicated the following to the citizen governor of Jalisco:

"In council of ministers I laid before the constitutional President the decree num-

bered 28, issued by the legislature of your State, and which you transmit to me with your dispatch of the 21st instant.

"The gravity of the subject to which the decree relates, and the transcendancy of the declarations it makes, strongly arrest the attention of the federal executive, and after examining the affair with all the attention that it demands, the citizen President has directed that I should make to you the representations which are the object of this note, and for the ends that are therein expressed.

"The decree No. 28 is evidently unconstitutional, and invades the grave attributes which the fundamental law confers solely upon the congress of the Union and the federal executive. The text of that law is so clear as to render impossible any misinterpretation.

"Solely, the President of the republic, in concurrence with the council of ministers, says article 29 of the federal constitution, and with the approbation of the congress of the Union, 'may suspend the guarantees established by this constitution.' So far were the constituent legislators from conceding to the legislatures of the States the faculty of suspending the constitutional guarantees, that they refused the power even to the congress of the Union whenever the suspension should not be made by the President of the republic, in accord with his council of ministers; this essential requisite, the only one in our constitutional law limiting the legislative faculties of congress, constituting the proof that not even congress itself can suspend a constitutional guarantee, except in joint action with the government, this being a further wise precaution in a matter in itself most serious. All these views are so evidently true that if not the text of article 29, its discussion in the session of the constituent congress, on the 21st of November, 1856, would leave no room for the slightest doubt.

"For these unquestionable reasons it is an established principle of our constitutional right that the legislatures of the States can never suspend the guarantees sanctioned by the constitution.

"It is true that there may be instances when the constitutional law may not suffice for the assurance of public order, threatened in some locality by a serious peril; but the remedy for such an evil is not in infringing the law, doing what it prohibits, but in applying to the only power that can suspend guarantees, asking the necessary authorizations to confront the situation. In the circular from this department, of the 12th of last month, I stated to the government under your worthy charge what ought to be done in such cases, in order to attend equally both to the exigencies of the public peace and to the respect due to the supreme law of the country.

"Such a law does not attack the sovereignty of the States; it is known that it determines the quality and conditions of the federal compact which unites all of the States to form of them the nation; it is known that the local sovereignty only exists with the restrictions which that law establishes, nor is any one ignorant that to secure the general good of the country the States legitimately represented in the constituent congress consented to reserve certain faculties to the federal power exclusively.

"For this the States, without any offense to their sovereignty, are restricted from making alliances or treaties; they cannot coin money, nor make war against a foreign power, nor legislate on matters reserved to the congress of the Union, nor exercise faculties committed to the President of the republic; and this is why the States, without offending their sovereignty, cannot suspend guarantees, since this important attribute is exclusively reserved by article 29 of the constitution to the federal power.

"Local constitutions, it is true, permit their legislatures to invest their governors with extraordinary faculties, but such authorization cannot be invoked to enable them to do what belongs only to the competent federal power.

"The extraordinary faculties that a legislature may give cannot pass the limits assigned by the internal regimen of the State: they cannot treat of matters in which the legislature itself is incompetent, and this for the simple reason that what is not possessed cannot be given. For this reason these extraordinary faculties could never authorize a governor to do what the President only can do; and for the same reason a legislature cannot give authority to do what is permitted only to the congress of the Union. In this sense, and in no other, are articles 19, fraction 6 and 25, fraction 9, of the constitution of Jalisco to be interpreted.

"As the declarations made in the decree to which I am referring are supported by considerations which are certainly illegal, the federal government cannot admit them, nor recognize in the legislature of Jalisco, as asserted in the first article of the decree, the right of suspending constitutional guarantees, or of legislating upon matters which are reserved to the congress of the Union.

"The government makes no observations with respect to the third article, as the supreme court of justice will know how to fulfill its duty by determining what the law ordains in this case; but it cannot, indeed, omit indicating, although very summarily, that the excitative spoken of in article 4 is illegal, not because it invites other legislatures to do what they are prohibited from doing, but because the constitution does not permit States to form alliances or coalitions of any kind.

"Having by the preceding answered your official note of the 21st instant, I have finally

to state to you, by express order of the citizen President, that the decree referred to being unconstitutional, the government of the Union, as also the authorities, to whom the constitution confides its inviolability, will proceed to act in their respective cases, obeying always, and with all preference, the general constitution of the republic, which cannot be derogated by the said decree."

And I transcribe the same to you, by the order of the citizen President, in order that you may be pleased to communicate this note to the legislature of your State, when the excitative, which that of Jalisco has made, with reference to this affair, shall be treated of. Independence, constitution and reform! Mexico, May 27, 1868.

VALLARTA.

The Citizen GOVERNOR of the State of——.

TRIAL IN CONGRESS.

[From the Siglo XIX, Mexico, May 29, 1868.—Translation.]

CONGRESSIONAL REPORT.

Session of the 28th of May, 1868; Mr. Zarco presiding:

The session commenced at half-past one in the afternoon, one hundred and twenty-nine representatives being present.

Mr. Zarco, president. Congress constitutes itself in grand jury.

Mr. Sanchez Ascona, secretary of the section of the grand jury, read the process verbal of the accusation made against the citizen Gomez Cuervo, governor of Jalisco, from which process we take the most important documents and the report with which it concludes. They are as follows:

The Accusation.

On the 2d day of February last, Antonio Gomez Cuervo, who acts as governor of the State of Jalisco, sanctioned the annexed decree, which, under the number 61, was issued by the legislature of that State, and which has the character of a special law of retroactive effect, the application of which is intrusted to the executive power, and in which decree are violated the guarantees respecting the life and liberty of individuals, provided by article 20 of the constitution of the republic.

On the 23d of the same month of February, at midnight, five individuals were apprehended, and were executed, by order of Señor Gomez Cuervo, at daybreak on the following day, without any previous trial whatever.

The victims in vain sought the protection of the federal courts for the assurance of their individual guarantees, a protection which was amply decreed in their favor, ordering the suspension of the execution for Señor Gomez Cuervo, infringing articles 101 and 102 of the constitution, and the organic law of the 30th of November, 1861, disregarding what had been opportunely decreed by the judge of the district, ordered that the five individuals should be executed in the principal square of Guadalajara.

Señor Gomez Cuervo has gone still further: he has manifested to the federal court that he will not obey such orders as are communicated to him with the object of hindering the executions he may decree.

The superior tribunal of the circuit has reported and transmitted all the antecedents of this business to the ministry and to the supreme court of justice of the nation.

For all the foregoing violations of the constitution we, the undersigned, accuse Señor Gomez Cuervo before the grand jury of the nation.

JUAN ROBLES MARTINEZ.
SILVANO MORENO.
ANGULO.

MEXICO, March 9, 1868.

Law No. 61 of the State of Jalisco.

Antonio Gomez Cuervo, constitutional governor of the State of Jalisco, to the inhabitants of the same; be it known that—

The honorable legislature of the State has remitted to me the following decree:

"Considering that the alarming proportions to which the perpetration of the crimes of robbery, kidnapping, and assassination have arrived requires a speedy and energetic remedy;

"That society, with good reason, intimidated by the magnitude of the dangers which surround it, urgently calls for the adoption of extraordinary measures, which shall put a stop to the evil and re-establish the public tranquillity;

"That congress cannot see with indifference the agony and alarm of the people, and should, on the contrary, make the greatest efforts to check in their origin the crimes which threaten the very dissolution of society ;

"That in the situation to which we have arrived the ordinary means established by the laws are not sufficient, and that it is necessary to strengthen the action of the executive, in order that it may be able to restore tranquillity so profoundly disturbed ;

"The congress of the State, making itself the interpreter of the most imperious of public exigencies, and desirous of saving the sacred interests of the people it represents, has thought proper to issue the following decree :

"Number 61. The people of Jalisco, represented by their congress, decree :

"ARTICLE 1. The observance of the law of the 3d of the present month, in so far as relates to the crimes of robbery, kidnapping, and assassination, is hereby suspended.

"ART. 2. During this suspension the government shall have the powers which the circular of the 12th of March, 1861, conceded to the military authorities for punishing the crimes of robbery, making the proceedings and penalties therein established applicable also to the crimes of kidnapping and assassination.

"ART. 3. The government can delegate the faculties treated of in the foregoing article to such political authorities and military chiefs as it may deem advisable.

"ART. 4. The government is authorized to expel from the State, by executive order, for the term of four years, any suspicious individual, or person suspected to be a robber or kidnapper.

"Let it be communicated to the executive for its promulgation and observance.

"Hall of sessions of the congress of the State, Guadalajara, January 31, 1868.

"ANDRES TERAN, *President*.

"JOSE G. GONZALES, *Secretary*.

"PEDRO LANDAZWIRE, *Secretary*."

In conformity with article 3d of the preceding decree, I have thought proper to direct :

1. The powers contained in article 2d are delegated to the political prefects of the cantons, and to the directors of the departments of the proper use of these powers, and strict application of the proceedings established in the circular of the 12th of March, 1861, the strictest responsibility will be exacted from said functionaries, under penalty of being dismissed from office in conformity with the laws, and furthermore punished as the case may require.

2. The same powers are delegated to the military authorities of the State, and with the approval of the citizen general-in-chief of the fourth division, they shall also be transmitted to such officers of the same division as, with the accord of said general, may be charged with the persecution or apprehension of the delinquents referred to in the inclosed decree, the government reserving to itself to restrict these powers in the special instructions, which in each case may be given, and to which the said chiefs shall scrupulously adhere, under penalties of the ordinance which shall be made effective by the superior officer whose duty it may be.

3. The section of justice of the government department shall form a weekly report of the criminals proceeded against, according to the present provisions, which shall be certified to and duly published.

4. The bodies of the criminals executed in compliance with respective provisions shall remain exposed to public view for the space of twenty-four hours on the site of the execution, or in that of the perpetration of the crime of which the criminals have been the authors, as may be judged convenient by the authority imposing the penalty.

Wherefore, I order that it be printed and published in legal form for its fulfillment.

GUADALAJARA, February 2, 1868.

ANTONIO G. CUERVO.

A. LANCASTER JONES, *Secretary*.

The following is the circular referred to :

DEPARTMENT OF WAR AND MARINE—CIRCULAR.

Under date of the 7th instant I communicated to the citizen prefect and principal commandant of the district of Morelos the following :

"By your official note of the 6th instant, his excellency the President has learned with regret of the excesses committed by a party of bandits on the estate of San Carlos, and approves the efficacious solicitude with which you took steps for pursuing the malefactors, and the succor afforded to the district wherein the crime was perpetrated, although not comprehended within the jurisdiction under your command.

"The supreme government is actively engaged in the formation of a law of expeditious and severe proceedings for the trial of robbers, and firmly establishing public security, by the exemplary punishment of these offenders ; but until said law shall be published by the respective departments, his excellency the President empowers you to order the execution of every robber taken in the act, giving a report of what shall so take place.

"With respect to the bandits, against whom there may be well-grounded presumptions, when once captured, you will proceed to draw up an act, in which shall appear the declarations of two competent persons of known probity, and the culpability being proved by the uniformity of testimony against the individual, whether for the perpetration of a robbery or because he belongs to bands of highwaymen, you will give orders that he be shot, transmitting an authorized copy of the proceedings, and remaining with a tranquil conscience as regards the carrying into effect these proceedings, as the supreme government, deviating from the channels and proceedings established by the laws, and trying robbers militarily, does so by virtue of the ample faculties with which it is invested, urged by the necessity of the moment and the duty of saving society; but its dispositions during this transitory epoch will remain without effect immediately, as has been stated, that by the respective ministry or by the sovereign congress, the regular administration of justice shall be established as the situation of society shall require."

I transcribe the same to you by order of his excellency the President, in order that within the precincts of your authority, and with respect to robbers, the provisions of the inclosed communication be carried into effect.

God, liberty, and reform! Mexico, March 12, 1868.

ORTEGA.

His excellency the GOVERNOR OF THE STATE OF JALISCO.

Order from the federal court.

COURT OF THE DISTRICT.

The citizen Licentiate Ignacio Matute has just presented himself in this court as counsel of prisoners, stating in writing that five individuals are to be shot in the morning of to-day without being tried by the tribunals established by the constitution.

As, if this be true, it attacks the guarantees the constitution of 1857 has conceded to every Mexican, it becomes the duty of this court to impart the protection, and id. demanded; and, therefore, in the name of the justice of the Union, I issue to you the present, for the purpose that you shall give orders for the suspension of said execution, with the reservation of a proper trial, in order that should the proceeding in question prove to be legal the action of the government shall remain free.

Independence and liberty! Guadalajara, February 24, 1868, at 25 minutes past 5 in the morning.

TREJO.

The Citizen GOVERNOR of the State.

Reply of the governor.

SUPREME CONSTITUTIONAL GOVERNMENT OF THE STATE OF JALISCO—SECTION OF JUSTICE.

The criminals referred to in your note that I have just received, and which I hasten to answer, have been tried and sentenced to death in conformity with the provisions in force in the State in matters of robbery and kidnapping, with which provisions I supposed you were perfectly acquainted from the day of their publication. Copies of them were sent to your court, as also to the superior tribunal of circuit. The duty of the government under my charge is to fulfill those provisions, and enforce their fulfillment in pursuance of the attributes imposed by the constitution of the State, and it is impossible for me, without violating that duty, of the observance of which I have to render account to the honorable legislature, to order the suspension of the proceeding against said criminals, as you intimate in your said note.

Independence and liberty! Guadalajara, at five minutes after 6 in the morning, February 24, 1868.

J. A. G. CUERVO.

A. LANCASTER JONES, *Secretary.*

The Citizen JUDGE OF THE DISTRICT, *Present.*

Judicial citation.

DEPARTMENT OF JUSTICE AND PUBLIC INSTRUCTION—SECTION 1.

For the effects of article 149 of the interior regulations of the congress of the Union, I inclose to you, duly certified, the process verbal formed against the citizen governor of that State, under the accusation of the citizen deputies Robles, Martinez, and Agulo,

and which the section of the grand jury of the congress has been pleased to remit to this department for the purposes indicated.

I have to ask that you will acknowledge the corresponding receipt.

Independence and liberty! Mexico, April 16, 1868.

From occupation of the citizen minister.

MANUEL CASTILLA Y PORTUGAL, *Chief Clerk.*

The JUDGE OF THE DISTRICT, *Guadalajara.*

Service of the same.

GUADALAJARA, April 24, 1868.

This citation, with the official note which accompanies it, having been received, let the directions of the section of the grand jury of the congress of the Union, in their resolution of the 15th of the present month, be carried into effect, the judge who signs hereto passing to the house of the citizen governor of the State for the purpose expressed in article 149 of the internal regulations of congress.

By the judge of the district of the State of Jalisco, decreed and signed.

D. J. TREJO.

A. ANGEL PEREZ.

A. VICENTE URZUA.

On the 25th of the same month, with the object of giving compliance to the foregoing order, associated with those assisting, I passed to the palace of the State, and the citizen Antonio Gomez Cuervo, governor of the same, being present, the undersigned judge read this process, and having concluded, Señor Gomez Cuervo said:

"The state of excitement and of alarm in which the inhabitants of the State of Jalisco found themselves in the month of January last, owing to the kidnapping and other crimes that were committed even in the principal streets of the capital, energetically called for the adoption of efficacious measures for putting a stop to a state of vandalism without example even in the epochs of the greatest disorders and revolution.

"The whole city demanded that such measures should be taken. No one is ignorant of the representations which, with that object, were addressed to the government and to the legislature, until the latter finally had to issue the decree of the 31st of January, which forms the second page of this proces, and which declared in force the circular of the 12th of March, 1861, leaving its application to the charge of the political authorities in addition to the military, although with the restriction that to the government belonged the faculty of designating what authorities and what officers should have the powers which in the circular were given to the governors and military commandants.

"It is to be noticed that this is the same disposition which was ordered to be again observed under date of the 27th of May, 1867, by the department of justice of the general government, when it was at San Luis, and that it had continued in force in the State until it was suspended by the legislature of the same, as it was not until the month of January last that by the government, or the congress of the nation, the mode of administering justice had been determined.

"The decree No. 61 of the congress of the State having been published, as I have stated, and there being no law that conflicted with it, and above all, in fulfillment of article 28 of the constitution of the State, which provides that the governor shall publish the laws without excuse or observation, I was obliged to proclaim it forthwith, decreeing immediately, in conformity with article 3d, the regulations I thought proper for delegating, without danger of abuse, the powers referred to in article 2d.

"I must observe in passing, that, as is public and notorious, the decree was received with applause by the whole of society, who saw in it their salvation. Votes of thanks to congress were drawn up, tranquillity commenced to be restored, and the authorities were only recommended to be prudent in its application.

"On the apprehension of the kidnappers, whose execution has led to my being accused, they were directly, and by virtue of the law, consigned to the political prefect, who tried, condemned, and executed them, without any intervention on the part of the government, whose functions in the matter ceased with the publication of the law.

"These criminals asked protection after they were sentenced, and the judge of the district communicated to me, a few moments before the execution, to suspend the same.

"The section of the grand jury will at once perceive that the law having been issued under the responsibility of the congress of the State, executed by the political prefect in virtue of the authorization given in the law itself, the executive government of the same was entirely foreign to the question, since it was neither the executor of the sentence, nor had it pronounced the sentence, or issued the law, this being the reason why it limited itself in its reply to stating its constitutional obligations.

"I have pointed out the situation of Jalisco when the decree was issued, and some

other circumstances relating to its subsistence, in order that the section of the grand jury may be pleased to estimate them at what they may be worth. For my part, I conclude with the assurance that, although I am convinced of the necessity there was for the punishments which took place in this city, I regret the same, as I pride myself in being one of the first to recognize the respect that is due to individual guarantees."

This he said and signed before me.

A. GOMEZ CUERVO.
TREJO.
A. ANGEL PEREZ.
A. VICENTE URZUA.

Then follow various representations of municipalities and citizens of Jalisco, asking the absolution of the accused.

Report of the section of the grand jury.

The section of the grand jury has made a most scrupulous examination of the cause instituted by reason of the accusation presented to the chamber by the citizen deputies Robles, Martinez, Moreno, and Agulo, against the constitutional governor of Jalisco, Antonio Gomez Cuervo.

With an intimate conviction of the gravity and importance of this affair, the undersigned have thought it their duty to consider it thoroughly, in order to report to the national grand jury what they judge to be the most strict justice.

The section does not believe it necessary to make an extract of the *procés* wherein are contained the proofs of the facts which give rise to the accusation, as this proceeding appears unnecessary, the documents having been read in full in accordance with the regulations prescribed, and will have sufficiently informed the chamber, even to the fullest details. It is sufficient for their purpose to state the facts that appear to be proved, make the application of the legal precepts which serve as the basis of the accusation, and deduce therefrom the consequence which is contained in the opinion they have been able to form of the affair, submitting the same to the wisdom of the jury.

The legislature of Jalisco issued, on the 31st of January of the present year, a decree putting in force the circular which, with reference to the crime of robbery, was dictated by the supreme government of the republic, on the 12th of March, 1861. On the simple perusal of this decree it is clearly and undeniably seen that it is in open opposition to a great part of the precepts contained in the federal charter of 1857, in force in the republic since the 8th of December of last year, when the dictatorship ceased, which was created to meet the difficulties of the late foreign war.

In the opinion of the undersigned, the principle is not even doubtful, that only the congress of the Union, or during its recess the permanent deputation, with the previous consent of the government in council of ministers, can suspend the guarantees conceded to the inhabitants of the republic, in the bill of rights contained in section 1 of title 1 of the constitution. The 29th article of the fundamental law not only reserves to the chamber this important faculty, but carefully restricts it, pointing out the cases wherein use may be made of it, the special points which it is prohibited to touch, and the precise conditions to be observed in making use of that authority.

The legislators of 1857, not content with having made the explicit declaration contained in this article, were desirous of still further removing any doubt or error, by establishing, in the 126th article, the basis upon which the law of the constitution is founded, whose rules form the supreme law of all the Union, to which the authorities of the land must subject themselves, notwithstanding whatever disposition to the contrary that may be contained in the constitutions or laws of the States.

Consequently the general constitution and the organic laws issued to complete it and make practicable the division and attributes of the federal powers, are very positive as regards the deference and respect that are due to them, over the local regimen, the first condition of which is that of subordination to the stipulations contained in the social compact. Neither can the character of free and sovereign, possessed by the States of the federation with respect to their internal administration, be opposed to this, because the condition of this autonomy springs precisely from and is based upon the federal charter, which is the root and principle of our institutions, and therefore there cannot be comprehended in the exercise of that right the violation and disregard of the fundamental law.

This being so, the decree which the legislature of the State of Jalisco ordered to be promulgated on the 31st of January last ought neither to have been issued nor observed, because by it were suspended the guarantees conceded in articles 13, 14, and 20 of the constitution.

The deputies who form that legislative body will be personally responsible, in conformity with the constitution of the State, for that act, which constitutes a fault committed in the discharge of their attributes; and it may also be considered that the governor, Antonio Gomez Cuervo, also is responsible, because he not only carried into effect

the provisions of that decree, in every sense unconstitutional, but he went still further than the legislature, and issued a regulation on the 2d of February last, delegating to the subaltern authorities, both military and political, the discretionary powers with which he believed himself invested.

In the application of the decree referred to occurred the event which gives rise to this accusation, and the nature of which we believe we are able to examine with probabilities of correctness by the light thrown on it by the foregoing considerations.

Five persons were arrested in Guadalajara who, according to the rumor circulated after their apprehension, had committed the crime of kidnapping; and it was said in public, that at daybreak on the 24th of February last, they were to be shot without any previous trial having taken place, or the least time allowed for an examination into the charge which had led to their being sentenced to the highest penalty.

The judge of the district of Jalisco, at the petition of the counsel for criminals, and in accordance with the organic law of 30th November, 1861, opportunely ordered the suspension of the execution, meanwhile that a trial for their defense might be opened, and communicated this disposition to the governor, Don Antonio Gomez Cuervo. This functionary, for the reasons which appear in his answer, received by the judge of the district a day after the criminals had been executed, in whose favor protection had been decreed, or for whatever other reasons, did not comply with the judicial decree of suspension, which placed the prisoners under the shield of the federal courts. 'Such an act involves a flagrant violation of article 4th of the said law of the 30th November, 1861, undermines at their base our social institutions, and consequently is a charge of inevitable responsibility. The exculpations made by the accused, on replying to the charges, are not sufficient, in the judgment of the section, to extenuate them, or much less to refute them.

These exculpations are reduced to two points: In the first place, Señor Gomez Cuervo believes that the obligation the constitution of the State imposes upon him of executing the laws of the same relieves him from enforcing obedience to the general constitution and laws; and in the second place, he thinks that the abnormal situation in which the State of Jalisco was found authorizes and justifies his proceedings.

We have already remarked how inexact and illegal the opinion is upon which the first of his exculpations is founded; and with respect to the second, it is easy to see that, whatever may be the character of necessity given to the occasion for a punishable act, it is not sufficient to avert the judicial proceedings, although it may at the proper time be alleged as an extenuating circumstance in mitigation of the rigor of the law in the sentences.

In the judgment of the undersigned, it results from what has been set forth that the accusation which has given rise to the continuation of this process is legal and well founded, and the undersigned conclude by submitting to the enlightened deliberation of the national grand jury the following:

"It is declared that the citizen Antonio Gomez Cuervo, governor of the State of Jalisco, is guilty of infraction of the general law of the 30th of November, 1861, and of the constitution."

Section of the grand jury, Mexico, May 9, 1868.

CENDEJAS.
PROTASIO P. TAGLE.
GARCIA CARRILO.

SANCHEZ ASCONA,
Secretary.

The reading of the documents having been concluded, the said citizen Sanchez Ascona read the following official note from citizen Gomez Cuervo:

Defense of Governor Cuervo.

SUPREME GOVERNMENT OF THE STATE OF JALISCO.

Summoned by the secretary of the grand jury to appear on the 28th instant, to defend myself before it from the accusation which has been made against me for violation of individual guarantees, and without refraining from doing so if it shall be possible, either personally or by means of counsel, I am desirous that the grand jury should at once be made acquainted with the documents I inclose, which may have some influence in the decision of the matter in question. They will form my only defense, should the brevity of time allowed me for appearing, not admit of making it in any other manner.

Elected governor of the State of Jalisco against my wish, against my expectations and when I had never figured nor aspired to figure in any public post, I thought it my duty nevertheless, as a citizen, to accept the position, although for me it was a sacrifice which was what as a liberal I had already made, seeing with resignation my little pro-

perty destroyed at one time by reactionists, at another by interventionists and French, notwithstanding the false reproaches now made against me through party spirit of having served the empire, and on which point document No. 1 gives sufficient explanations.

On taking charge of the government, I did so with the firm determination of always being the faithful interpreter of the law, and that it should be the guide of my conduct, procuring whatever good might be possible for a people who, without any merits on my part, had so elevated me. I am convinced that, so far as my incapacity has permitted, I have not deviated from that path, and this alone it is that makes me now see with regret that I should be criminally tried when my conscience tells me that I have not been wanting in my duty.

I purposely refrain from describing the state of alarm in which, at the beginning of this year, the whole State of Jalisco was found, owing to the unheard of and incredible development of the most ferocious banditism, which perpetrated crimes and depredations even in the principal streets of the capital. I well know that it is said by the enemies of the government that this state of things was exaggerated, and I, therefore, let facts speak which cannot be contradicted.

To put an end to the evil I have spoken of, the congress of the State issued, under date of the 3d of January, the decree relating to criminal trials, which I inclose, marked No. 2, in which, while giving the parties accused all constitutional guarantees, brief proceedings were provided, and such measures as it was considered might conduce to the desired result were dictated. The trials were established, but robberies and kidnappings continued, because the decree had not sufficient efficacy to terrify the bandits, who, it is mournful to have to state, counted, if not on the direct support of the opposition, on the moral support they derived from seeing the authority depreciated and ridiculed by the daily and blood-thirsty invectives, which, without reason, were directed against it, in publications which have only been allowed to exist owing to the government, the faithful slave to the law, having wished to respect to the utmost the liberty of thought and of the press.

Owing to the inefficacy of the decree of the 3d of January, the alarm of society was of such a nature, that, on the 31st of the same month, a committee from the municipality of Guadalajara presented themselves before congress, asking for the adoption of more severe measures, as also a numerous concourse of citizens to present the memorial marked No. 3, contained in the adjoined number of the official paper of the State, of the 6th of February.

Congress could not resist, before the exigencies of a population possessed with terror; it comprehended that although only the president in council, with his ministers, and with the approbation of the congress of the Union, can in certain cases suspend the constitutional guarantees, this right ought also to be possessed by the States in urgent cases which do not give time to apply to the federation, as they have the right in such cases of making war against a foreign power, although in article 112 of the constitution it is prohibited in general; and as he who is attacked by a bandit has the right of killing him without waiting for his condemnation by the tribunals, congress, under the pressure of the circumstances, issued on the same day, the 31st of January, the decree No. 61, of which I inclose a copy marked No. 4. Fraction 1 of the 28th article of the constitution of the State (document No. 5) prescribes among the attributes of the governor that of publishing and executing all of the laws, and of causing them to be obeyed, as also of taking care that the public order shall be preserved.

The meaning of that fraction has been determined, since the year 1862, by congress itself, in the same official documents which, underlined, are contained in the pamphlet No. 6, (pages 19 and 25,) and later in fraction 3d of article 16 of the decree No. 73, (document No. 7.)

The governor, by virtue of that constitutional precept, has the obligation to publish, under the exclusive responsibility of the legislature, the laws which the latter may issue, immediately on receiving them, and without his being permitted to make any observation whatever, since it is declared that the government does not sanction them but is only the medium of their publication, as are afterwards the political chiefs and directors in the cantons of the States.

This precedent being made known, it is clear that I incurred no responsibility by the publication of the decree No. 61. I simply performed my constitutional duty, and no charge can on that account be brought against me.

After the publication of the decree, the execution of which was intrusted to the political authorities without the government further interfering therewith, public tranquillity began to revive, and still more so when about that time five kidnappers were apprehended, who were tried in conformity with the decree, and whose criminality was proved in due form, as is seen in the certified copy of the act which was drawn up in conformity with the circular of the 12th of March, 1861, (document No. 8.)

All society was awaiting what was to take place; the culprits were condemned to death, and their execution became such a necessity that had it been suspended it would

have caused a disorder, as all the world would have seen by it the solemn declaration of impunity for criminals of that kind.

The proof of this is shown in the fact that scarcely had the criminals been executed when from the greater part of the towns commenced to come in votes of thanks to the congress, to the government, and to the political prefect, among which may be seen those which will be found published in numbers 185, 188, 189, and 200 of the official paper of the State, (documents Nos. 9, 10, 11, 12, and 13,) the numbers of which are inclosed for that purpose.

At five in the morning of the day of the execution I received an official note from the judge of the district ordering me to suspend the execution, as the criminals had asked the protection of the guarantees.

I then gave the answer which appears in the *procès verbal*, stating my obligations as governor of the State; this answer was sent in sufficient time for the court of the district to address itself either to the congress, author of the law, or to the political prefect, charged with the execution of it. I know not by what incident, accidental or not, the note was carried to the judge of the circuit, and the judge of the district did not receive it until after the culprits had been shot. But considering the state of things, and above all, that I was neither the author of the decree nor the person charged with its execution, that it was not to me whom the judge of the district should have addressed himself, but to the political prefect or to congress, would it have been prudent, would it have been politic, even though I had been the party that had decreed the execution, to suspend it as was ordered?

I am of opinion that in those moments my responsibility would have been affected by again introducing alarm and agitation into a society that, always humane and opposed to bloody spectacles, nevertheless then saw their salvation in the execution of those five criminals.

I call the attention of the grand jury to the circumstance that when these events were passing in Guadalajara there had been already proposed in the general congress by the ministry initiative for declaring in force the law of the 25th of January, 1862, the discussion of which has only been terminated a few days since. What would have happened if the congress of the State, instead of dictating the decree No. 61, had remained indifferent, and tolerated until now the continuation of the dreadful situation in which Guadalajara was placed?

If, as I have before stated, it be possible for me to attend the session of the grand jury, personally or by counsel, I will then amplify the reasons I have here only indicated.

However that may be, I from this moment submit to the determination it may dictate, as my conscience tells me that I have not been criminal, and this will tranquilize me in case I shall be condemned.

GUADALAJARA, May 15, 1868.

A. G. CUERVO.

The citizen SECRETARIES OF THE GRAND JURY, *Mexico*.

The reading of the documents being concluded, the debate commenced.

SPEECH OF MR. ZARCO, PRESIDENT OF CONGRESS, SUSTAINING THE ACCUSATION.

[From the Siglo XIX, Mexico, 30th May, 1868.—Translation.]

Mr. ZARCO, president: I was unwilling to speak, as I wished to avoid saying anything against the accused. The part of defender is undoubtedly more attractive than that of accuser, and I would not aggravate the situation of Señor Gomez Cuervo. But such sentiments have been expressed, and such reasons adduced by the defenders of the accused that with much regret I am forced to make some rectifications.

The principal argument on which the defense is based is that the desperate situation in which kidnappers had placed Jalisco called for the conduct observed by the legislature and the governor, and to incline the mind of the jury to pronounce an absolute public disorder is even predicted.

Notwithstanding the alarming symptoms which, since the commencement of this question, it is said have appeared in the State of Jalisco, notwithstanding the predictions of a disturbance of the public peace which are being repeated to us, the truth is that the accused has come to bow down before the jury, and that he has attempted to justify his conduct, and that the people of Jalisco remain and will remain tranquil because they will respect the sentence of the law.

Our duty, above every individual consideration, is to do justice, and to give no motive for the repetition and even justification of the calumnies always cast upon us of not knowing how to govern ourselves.

I have defended, through the press, the sovereignty and independence of the States in their internal regimen; I have sustained that congress has no right even to revise the

decrees issued by the States; but if I have sustained this, I also sustain, as an indisputable truth, that the federal constitution and laws are above the laws and constitutions of the States, and if we ought to respect the internal government of localities we ought not to consent that the constitution shall be violated.

The counsel for Señor Gomez Cuervo has been very able; the good will of the audience has been captivated, and we all regretted that he had not a better cause to defend; but notwithstanding his brilliant style, he has not been able to diminish, even in one single point, the culpability of his client.

I have remarked that he as well as the other speakers who have taken up the defense of the accused, have occupied themselves in trying to do away with a charge which is not made against him. They have sought to sustain the right or obligation he was under of promulgating the decree of the legislature.

The charge is not that of having published the decree, but of having carried it into effect. He should have remembered that no law in the world is superior to the fundamental compact; he should have remembered what is provided by the law of 30th November, 1861, and should have availed himself of the opportunity afforded him by the judge of the district in decreeing the trial of protection.

The responsibility for those assassinations, which recall those of Tacubaya, it is sought to throw entirely upon the political prefect, because he tried and condemned the persons executed; and it is sought to establish that the governor had no obligation, and that it would have been an act of officiousness on his part to inform the judge of the district to what party he ought to have addressed himself to obtain the suspension of that butchery.

In the age in which we live, in a civilized country, fully constituted, we are told that the means to save the life of a man are not to be pointed out! The law of protection says, in its fourteenth article, (which was read,) and this was what the judge did, and the governor violated the constitution in consummating the executions, which were neither more nor less than assassinations.

I have demonstrated that the counsel for the defense has shown little ability in seeking to throw the responsibility upon the political prefect, and it is so because the responsibility rests on the governor.

It has attempted to be maintained that the law in question was the result of the situation, and that it was only issued against bandits; it has been asserted that it was given to assure guarantees; but it has been forgotten that the guarantees of society are composed of the union of the guarantees of individuals, and that executions like these terrify a society where lynch-law is unknown.

That law is a remnant of the barbarism which exists in the United States; because, unfortunately for humanity, in the country which appears to be the most civilized, there still remain remnants of barbarism. Lynch-law, which, for the honor of the jury, should not be invoked here, is an abuse which is committed when it is thought that the judge delays the punishment of the delinquent. Then the masses rise and attack prisons, and incendiarism and death are the consequences of that stupid law.

No! let it be said, in honor of our country, the Mexican people never will precipitate themselves into such excesses, or commit such assassinations.

It has been said that the victims of the 24th of February were wretched criminals. It is not noble to insult the dead, and we do not even know whether those unfortunate beings were kidnappers or not. They entered the prison without their crime having been stated, and it is thus recorded in the books of the alcalde. On what principles were they condemned?

The constitution prohibits the suspension of the guarantees which assure the life of man; the law for punishing bandits and disturbers of the public peace has respected that guarantee; and those who, like myself, seek for the abolition of the penalty of death, can scarcely tolerate an execution being carried into effect, even after the tutelary forms of legislation have been complied with, and our blood boils against assassinations such as those perpetrated in Guadalajara.

But it is said that the circumstances exacted the publication of the law and its fulfillment, and that the alarm which existed in that State ceased with the action of that sanguinary measure. It is not true. Before and after the promulgation of that decree, up to the present moment, I have received papers and letters from Jalisco, and there is not one of them which does not speak of robberies, kidnappings, and assassinations. This contradicts in the most solemn manner the abused and calumnious rumor that the malefactors had become more bold as soon as they knew that congress was trying the governor Gomez Cuervo for the acts of the 24th of February, and that calumny, gentlemen of the jury, I contradict in the name of the nation.

Appeal is made to the circumstances; and what circumstances can there be more grave than those wherein the life of a man is endangered? It has been said that the judge applied too late. The judge acted when they called him, and earnestly endeavored to do his duty, as in the proceedings it will be seen that orders were issued at five and five minutes after five in the morning.

The governor exculpates himself by saying that he had not condemned the culprits; this answer is like Cain's, when God asked him, What hast thou done with thy brother? Señor Gomez has said that those men kept society in a state of alarm, and that if they had not been executed the people would have risen. It is not true that they would have revolted; they would have submitted to the law.

What order of a State is this, and what city, that could not consider themselves safe until five men should have perished? -

It has been sought to make a charge against the federal authority for its conduct, and it is being endeavored to justify an authority which is the one to be blamed for the insecurity existing. It is insisted that the malefactors have been reanimated by the news of this trial. It may be that no band of robbers know that we are trying Señor Gomez Cuervo.

It has been said that the people do not comprehend their rights, and that there are vacuums in the laws. The people do comprehend their rights; and if there be any vacuums in the laws we must fill them legally.

It is said that public convenience demands the absolution of the accused. This is immoral, above all, when treating of judges of the fact. We have to act with justice, and without any personal consideration. Were we not to do so, society could not exist.

It is to be determined whether the constitution and the law of federal protection have been violated.

Agreed upon that fact, we have to vote against that delinquency. Public convenience, which I shall not invoke, requires that, convinced of the culpability of the accused, we shall condemn him.

The day when the people see that a governor, or other public functionaries, fall legally, on that day will be assured the great principles of the republic.

I beseech the jury that, looking at the question in the light of justice, the governor of Jalisco be declared guilty.

Mr. Zarco resumed the chair as presiding officer.

SPEECH OF MR. SANCHEZ RAMON AGAINST THE ACCUSATION.

[From the *Siglo XIX*, Mexico, May 30, 1868.]

Mr. SANCHEZ RAMON. Sir, I know my incapacity, and it would make me abstain from speaking, did not the present question involve an event the resolution of which may contribute in a great measure to the well-being or otherwise of the State of Jalisco; and if I resolve on speaking, it is because I think it just, since I am in duty bound to do so as one of the representatives of that State.

The governor of a great State has at last been brought to the bar of the accused, before the grand jury of the nation. The accusation against him on this occasion, as on others, is nothing more than a means invoked for depriving him of the post to which he was elevated by an immense majority of the inhabitants of Jalisco. The present question has nothing new in it; it is the same that has been already presented on other occasions to congress under different forms, but the same ends have always been sought by the persons who accuse him.

In Jalisco, more than in other States, it has unfortunately been seen that some of its sons, legally defeated in electoral contests, forgetting or disregarding sound republican maxims, have not been willing to rest satisfied, and, without regarding the desolating and bloody past, without taking into account the future of the country, by their discontent have become the sworn enemies of the government, encouraging disunion and discord, putting obstacles in the way of the administration, and seeking to make impracticable even the measures necessary for the preservation of order and of peace—only to make unpopular and displace the elected of the people.

If a frank, reasonable, and just opposition is convenient and useful, a violent, passionate, and unjustifiable opposition cannot but produce evils, and evils of incalculable transcendancy.

The accusation which to-day, invested with an appearance of decorum, dignity, and respect to our fundamental law, occupies the attention of the grand jury, is nothing more than a political proceeding, better combined and better directed than the other steps that have previously been taken for the same purpose—that of removing from his post the man elected by the people.

That is, in reality, the question, and not one of true constitutional right, which animates the promoters; for in their place not only would they have acted in the same manner that the governor has acted, but they would even have gone further, as Jalisco has had examples when those who act to-day as accusers held office or had great influence with the government.

All the members of the jury know the afflicted situation of Jalisco when its legislature declared the circular of the 12th March to be in force, as, besides the news which

through distinct channels was at that time brought to the capital, the exact account of it made by the defender of the accused has just been heard. Nevertheless, permit me to state that those circumstances were so critical, on account of the kidnappings, as was reported by the press—and I have letters in my possession proving the same—that the idea occurred to many citizens, if the authorities did not take extraordinary and energetic measures for re-establishing guarantees, of putting into practice the terrible lynch-law, which, besides being discreditable, would have brought the government into many serious difficulties. The government had the cry of the opposition against it; it saw that the measures it took were insufficient to put an end to the evil, or even for calming it. The citizens who were kidnapped, when, after having sacrificed their means, they were returned to society, frightened and cowed, did not dare to make any revelations to the authorities, the same thing happening as here, that the few who have met with that misfortune refuse to afford the information necessary for guiding the police, in order that they may apprehend these evil-doers—and all through the well-founded fear that a speedy and severe punishment would not be applied to them.

It is also known that the population of Guadalajara, tired with suffering, presented itself before the legislature to ask for the law, which at last it conceded, viz., that the above-mentioned circular should be declared in force, which law, if not similar, is very like that of the 3d of June, 1861, which, as I have manifested to congress, is the law in force against kidnappers. Five of these were apprehended and tried in accordance with said circular, who, on conviction and after confessing their horrible crime of kidnapping, were condemned to expiate their crimes on the scaffold.

A few moments before their execution it was sought to protect them through the federal authority, but, instead of addressing the proper officer, the application was made to the governor, and it is known why, after all, the protection was not verified. In those circumstances it was fortunate, because, if the kidnappers had been shielded, Guadalajara and the whole of Jalisco would have remained unprotected, as the adjoining States, with laws similar to the one that was put in practice in Guadalajara, freed themselves from that plague without being impeded by federal authorities, such as those in Jalisco, who, overzealous for guarantees in favor of kidnappers, were indifferent about guarantees for society at large.

The former insecurity would have become greater, because the bandits, emboldened by the kind of protection they found in the opposition, instead of flying terrified after escaping being caught by the police, would have joined with others of the neighboring States and have returned with fresh vigor to give full effect to their infernal plans.

The government maintained itself firm in the idea of saving society, and society has shown its gratitude by a multitude of manifestations which it has addressed to it; and this is what has given rise to the accusation which now engages the attention of the grand jury.

Are not kidnappers deprived of their constitutional guarantees which it was thought was inculcated by trying them in conformity with the law declared to be in force by the legislature of the State?

If the law of 3d of June, 1861, is the one in force, and if, according to that law, they are to be tried in conformity with certain articles of the law of 25th January, I cannot see how the constitution can be infringed. But if the exigencies of the critical and exceptional circumstances in which Jalisco was placed did not allow the governor to act otherwise than as he did; if the guarantees consigned in our code are any of them, or have been, suspended with respect to kidnappers, the inculpability of the governor of Jalisco, as regards the charges brought against him, it appears to me is evident.

But supposing that what I have said is of no value, can the grand jury declare the party accused culpable for having fulfilled his duty towards his immediate superior, the legislature, for whom he acts, the responsibility resting only on one party, and the one cannot be punished and the other left unpunished? It is clear that this is not so; and this alone is sufficient that the jury should give their vote against the accusation.

With respect to the feeling which may be entertained on account of the decree No. 88 of the legislature of Jalisco, which, as it has just been seen, is a very distinct thing, I will say that now the legislature is entirely distinct from Señor Gomez Cuervo, and that he respected the supreme measures of the congress, as his own defender has shown; and I hope, from the rectitude and good sense of which the members of the grand national jury have given proofs, that neither this occurrence, nor influences of any kind, will lead them to deviate from the right path traced out by justice for the well-being of society.

I must add that it appears just that the governments of the States should possess more liberty in providing for their internal preservation in critical cases, without having to apply to the general government; for if the federation is to be desired, it is not because it signifies a band of iron that restrains them so that they cannot move, even although the social edifice may fall and involve them in its ruins.

What is to be regretted is that, there being a determined mode of initiating these reforms in our code, another of an irregular course should be appealed to, such as that

the supreme court of justice should open the respective trial in the controversy brought on by the decree No. 88, to which I allude.

Sir, these spontaneous manifestations of the people of Jalisco which have reached the grand jury show very clearly what the question is. In their name I ask, in behalf of the well-being of those people, a vote of absolution for their constitutional governor, Antonio Gomez Cuervo.

OFFICIAL CONGRESSIONAL REPORT.—SESSION OF THE 23TH OF MAY, 1868.

[From the Diario Oficial, Mexico, June 29, 1868.—Translation.]

In the city of Mexico, on the 28th day of May, 1868, the congress of the Union being erected in grand jury for the continuation of the trial commenced against the governor of Jalisco, citizen Antonio Gomez Cuervo, in conformity with the resolution adopted on the 9th instant, the secretary read articles 141 to 156, inclusive, of the rules; and, in compliance therewith, the secretary of the section read in full the *proceso verbal* relative to the accusation which the citizens deputies Robles, Martinez, Moreno, Silviano, and Angulo have made against that functionary for abuse of authority and violation of articles 20, 101, and 112 of the constitution, and of the law of the 30th of November, 1861.

Account was also taken of the representations addressed to congress in defense of the said citizen by the municipal authorities of Autlan, Lagos de Moreno, Tepetitlan, Teuchitlan, Guadalajara, of the city of Sayula, and of the residents of Lagos, Alotnilco el Alto, Tepetitlan, and the reform club of Guadalajara.

In continuation, the report of the section was read, which concludes with the following proposition:

"It is declared that the citizen Antonio Gomez Cuervo, governor of the State of Jalisco, is guilty of violation of the general law of the 30th of November, 1861, and of the constitution."

The secretary of the section concluded by reading two communications, addressed by the accused—the first relative to his defense, and the second in which he names as his defender the citizen Lancaster Jones and asks to be excused from attendance on account of illness.

The said citizen read the defense, and the reading of the resolution proposed in the report having been repeated, it was placed in discussion.

The speakers against the report were MESSRS. Samonan, Canedo, Rodriguez, Ramon, and Gudiñow y Gomez; and in favor, MESSRS. Jesus Lopez, Barron, Frias y Soto, Zarco, and Sanchez Azcona.

The report having been sufficiently discussed, the question was put if it should be approved. The secretary, at the request of citizen D. Rosas, read article 105 of the constitution.

The vote, having been taken, resulted for the affirmative—108 votes against 24 in the negative; and in consequence the proceedings were ordered to be passed to the supreme court of justice for the constitutional effects. [The declaration of the sentence, the governor, meanwhile, as the effect of the action of the congress, being suspended from his office.]

MEXICO, May 29, 1868.

J. N. ESPINOSA DE LOS MONTEROS.

A true copy. Attest:

SEVERINO MERCADO.

Mr. Plumb to Mr. Seward.

No. 156.]

LEGATION OF THE UNITED STATES,
City of Mexico, July 7, 1868.

SIR: On the 2d instant a special courier, dispatched by the foreign merchants of Mazatlan, reached here, bringing communications addressed to me by the United States commercial agent, the English vice-consul, and the consul of Prussia at that port, relating to difficulties which have arisen between the commander of her Britannic Majesty's ship Chanticleer, lying in that harbor, and the Mexican authorities.

These difficulties, it was stated, have reached so serious a stage that a

blockade of the port had been established, and the commander of the *Chanticleer* had announced his intention to bombard the town; but upon the representations of the foreign consuls and merchants was induced to suspend this latter purpose, unless further provocation should be offered, until he had communicated with the British admiral on that coast, and the matter had been brought to the knowledge of the Mexican government.

The agitation and alarm among the foreign residents in Mazatlan, in view of these events, were represented to be extreme; and while commerce was already affected by the blockade, it was feared that General Corona, the chief military representative of the Mexican government in that part of the republic, in the event of hostilities being opened, would abandon his quarters in the city, and the town being left unprotected, the lives and property of the foreign residents would be in imminent danger.

At the request of Mr. Woolrich, the British vice-consul, made in anticipation of his having immediately to leave Mazatlan, the consul of Prussia inclosed to me a copy of the correspondence that had taken place between the commander of the *Chanticleer* and General Corona, which had had this unfortunate result, and I was requested, as the representative of a friendly nation, to lay the same before the Mexican government, and my good offices were appealed to towards bringing about a peaceable and satisfactory settlement of the affair, that thereby the destruction of life and property might be averted.

Under these circumstances it did not appear to me to be possible to hesitate about doing all that I could, without overstepping the limits of what is due to this government, to promote a prompt and pacific solution of the difficulty that has so unfortunately arisen.

I therefore had immediate interviews with the acting minister for foreign affairs, and with the President, and on the same day addressed to the government a note inclosing the correspondence that had been transmitted to me, and commending to its attention the gravity of the case therein presented.

I also inclosed to the government a copy of the notice of blockade officially communicated to the commercial agent of the United States at Mazatlan, and of two letters addressed by him to the commander of the *Chanticleer*, seeking an adjustment of the difficulties, and at least to avert the bombardment of the town.

A reply to my note was not made until the evening of Sunday, the 5th instant, when there was inclosed to me from the department of foreign affairs a copy of the orders that had been issued by the government to General Corona, containing its resolutions with regard to this serious affair.

The couriers bearing these orders of the government, and my own dispatches in reply to the several consular agents who had addressed me, left for Mazatlan at noon on Monday, the 6th instant.

I have now the honor to transmit to the department herewith the correspondence that I have had upon this subject, and respectfully submit my action in the premises, trusting it may meet with the approval of my government.

I have the honor to be, very respectfully, your obedient servant,
E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Fuhrken to Mr. Plumb.

PRUSSIAN CONSULATE,
Porto de Mazatlan, June 22, 1868.

SIR: At the request of Mr. Woolrich, her Britannic Majesty's vice-consul, I beg to hand you the copy of a correspondence between the commander of her Majesty's ship Chanticleer and General Corona. Mr. Woolrich has to leave Mazatlan on account of this same correspondence, and cannot write himself.

You will learn by these documents the difficulties, and out of what they arose. The right of the captain to resent the insult seems to me to be beyond question; the answer of General Corona, pretending perfect ignorance of international laws, is ridiculous. He could have referred the first case to Mexico, and given full satisfaction for the insults received. He has privately recognized the captain's right, and even offered the captain to obtain private satisfaction for him from the offender. Captain Bridges has blockaded our harbor since the 20th, and at 12 o'clock to-day will open fire on the public buildings. The town is in great consternation, and as General Corona will abandon his quarters and leave us to the fury of the mob, there is imminent danger for our lives and property.

Mr. Sisson and myself have directed a communication to the captain (not answered yet) requesting him to suspend the bombardment until he may have the necessary force to attack and defend; he can consult with the admiral, and if necessary, await reinforcements. In the meanwhile Mr. Woolrich requests you, as the representative of a friendly nation, to lay these documents before the Mexican government, and to obtain for the British flag the satisfaction so unjustly denied by the authorities of Sinaloa.

The Mexican government does but an act of justice, and all the foreign population will be grateful for your influence, as you save us from heavy losses in our commerce, and prevent the destruction of lives and property.

Mr. Woolrich will report to the foreign office, and in the name of his government anticipates his sincere thanks for your valuable services, which may, perhaps, prevent a serious international complication.

I beg to add an open letter for Mr. Valarta, minister de gobernacion, and hope he will assist you in obtaining a satisfactory answer from the government.

I have the honor to be, sir, yours, very respectfully,

C. FUHRKEN.
Prussian Consul.

Commander Bridges to General Corona.

No. 1.]

HER BRITANNIC MAJESTY'S SHIP CHANTICLEER,
Mazatlan, June 17, 1868.

SIR: As senior naval officer of her Britannic Majesty's navy on the west coast of Mexico, I have the honor to bring to your notice the following case of insult to an officer of her Majesty's ship Chanticleer, by the custom-house authorities, and also to their detention of the sum of \$368 belonging to her Majesty the Queen of England, a permit to pass this money through the custom-house having previously been granted.

On the 16th instant Mr. Wallace, paymaster of her Majesty's ship Chanticleer, received the sum of \$633 from Mr. Fuhrken, for the use of her Majesty's service, and a permit to pass the custom-house was procured. A portion of this sum was expended on shore in payment of provisions for the use of her Majesty's ship under my command. On this officer's arrival at the wharf in company with myself he was ordered into the custom-house, and was told that he was *suspected* of having money in his possession for which no permission had been granted, and was ordered to produce the money he had about him. He immediately gave the balance of the \$633 he had received from Mr. Fuhrken, and was asked if he had any more money; he replied no; but afterwards, upon being told to be very careful what he replied, he stated he had some private money, of small amount, which he produced, and which was returned to him. After producing the whole of the money and stating he had no more, he was then ordered to be searched in the presence of the commandant; the permit having been produced, no notice was taken of it, but the money was confiscated; and on application again on the same day, and subsequently this morning, the custom-house authorities refused to return it.

When the paymaster was ordered into the custom-house I directed him not to give up the money, or go into the custom-house, as the permit would be brought. A person who spoke English explained to me in an insulting manner that I had no authority or command there, and was insulting in his manner. I therefore asked him what he was, and went away. (This person was the same as applied to me, some short time since, to

give him protection, on General Martinez's defeat, as he stated he was implicated with him.) Having failed to procure the money from the custom-house authorities, I beg to submit the injustice of the detention to your consideration, and request you will be pleased to order its repayment.

The insult the custom-house official above referred to states he received, I beg to inform you, is untrue; and I consider an officer of this ship has been grossly insulted.

I have the honor to be, sir, your most obedient servant,

W. W. S. BRIDGES,

Commander, and Senior Officer West Coast of Mexico.

His Excellency General CORONA,

Commander-in-chief of the Mexican forces at Mazatlan.

General Corona to Commander Bridges.

MEXICAN REPUBLIC, FOURTH MILITARY DIVISION, GENERAL-IN-CHIEF.

[Translation.]

SEÑOR COMMANDANTE: I have received your communication of yesterday, in which you were pleased to inform me of the occurrence which took place the preceding day on the wharf of this port, there having been confiscated from the paymaster of her Britannic Majesty's ship *Chanticleer* a sum of money amounting to \$368, notwithstanding the competent permit to export the same was exhibited, and asking me to order the return of the money, as its seizure is considered unjust.

In due reply, I have the honor to state to you that the resolution of this affair is not within the competency of the headquarters under my charge, as by the laws of the country it pertains to the jurisdiction of the tribunals of the federal treasury.

You will therefore understand that it is to the said tribunals that you should address yourself in order that justice may be administered, with the assurance that the same will be rendered to you in a full and prompt manner in conformity with the laws.

I protest to you, Señor Commandante, my attentive consideration.

Independence and liberty! Headquarters in Mazatlan, June 18, 1868.

R. CORONA.

The COMMANDER of her Britannic Majesty's ship-of-war *Chanticleer*,
anchored in the bay of this port.

Commander Bridges to General Corona.

No. 2.]

HER BRITANNIC MAJESTY'S SHIP *CHANTICLEER*,

Mazatlan, June 18, 1868.

SIR: I have the honor to acknowledge the receipt of your letter of this day, informing me that it is not in your power to accede to the demands contained in my note of yesterday's date, requiring the restitution of the money forcibly taken from an officer of this ship, and referring me to the local tribunal for redress.

Your excellency must be aware that it is not the custom, in cases of insult and robbery by officials of any government upon the persons or government property of another nation, to arrange such matters by a local court, and I am of opinion that the extreme urgency of the case I have brought under your notice can hardly have been viewed by you in the light it merits.

I therefore request you will reconsider your reply to my application, and it becomes my duty to inform you that unless the money is repaid on board this ship by noon tomorrow, the 19th June, I shall be under the necessity of then considering what measures I must take to repel the insult offered, and to recover the amount illegally abstracted from an officer of her Majesty's ship under my command.

The particulars having been fully set forth in my letter of yesterday's date, it is not necessary to repeat them here.

I have the honor to be, sir, your obedient servant,

W. W. S. BRIDGES,

Commander, and Senior Officer West Coast of Mexico.

His Excellency General CORONA,

Commander-in-chief of the Mexican forces at Mazatlan.

General Corona to Commander Bridges.

MEXICAN REPUBLIC, FOURTH MILITARY DIVISION, GENERAL-IN-CHIEF.

[Translation.]

SEÑOR COMANDANTE: I have the honor to acknowledge to you the receipt of your communication No. 2, dated to-day.

Having informed myself of its contents, I have again taken into consideration your No. 1, received yesterday, and my reply to the same; but not finding reasons for a change of opinion, I have to insist that the affair pertains to the jurisdiction of the federal tribunals, in conformity with the laws of the country, as it treats of an infraction of the fiscal regulations with reference to the export of money.

I have the honor to repeat to you the assurance of my consideration.

Independence and liberty! Headquarters in Mazatlan, June 18, 1868.

R. CORONA.

The COMMANDER of her Britannic Majesty's man-of-war *Chanticleer*,
anchored in the bay of this port.

Commander Bridges to General Corona.

No. 3.]

HER BRITANNIC MAJESTY'S SHIP CHANTICLEER,
Mazatlan, June 19, 1868.

SIR: I have the honor to acknowledge the receipt of your letter of yesterday's date, informing me that you had no reason to alter your decision relative to the restitution of the money taken from the paymaster of this ship, and again referring me to the law courts; the question of the insult offered to the officer and myself you entirely ignore.

It becomes my duty, in relation to the above facts, to *protest most strongly* against the illegality committed, and the insult that your officials have thought fit to offer to myself and the officer under my command.

I have now to bring to your notice that a still greater insult was offered to me yesterday afternoon, and I request you will give me an explanation at your earliest convenience.

On my arriving at the pier yesterday afternoon, to embark in my boat, I was arrested by a guard of three men and ordered into the custom-house. On entering an empty room, a man forced me in a most insulting manner against a wall, and then in the roughest and most outrageous way searched my person, and also that of an officer who was in my company. This gross insult was perpetrated without the presence of an officer or a word of explanation.

To comment on this outrageous conduct is quite unnecessary; but I demand a full explanation, which must be immediately followed—

First, by the disavowal on the part of the government of Mazatlan of any participation in the conduct of its officers who have been instrumental in offering the gross insult to me, and, through me, to the government of Great Britain.

Second, by the production of the officer ordering the insult *on board the ship*, and his immediate punishment to my satisfaction.

Third, by the repayment of the money abstracted from the paymaster of this ship on the 16th instant, and an apology for the insult he was subjected to.

Should these commands not be complied with in twenty-four hours from noon to-day, I shall then take such measures as I deem necessary to repel the insult, and to cause the uniform of her Britannic Majesty's officers to be respected.

I have the honor to be, sir, your most obedient servant,

W. W. S. BRIDGES,

Commander, and Senior Officer West Coast of Mexico.

His Excellency General CORONA,
Commander-in-chief of the Mexican forces at Mazatlan.

General Corona to Commander Bridges.

[Translation.]

MEXICAN REPUBLIC, FOURTH MILITARY DIVISION, GENERAL-IN-CHIEF.

SEÑOR COMANDANTE: I have received the communication which, under the number 3 you have been pleased to address to me, dated to-day.

In it you attribute to the officials under my command the insults which you state have been committed against your person, and that of the paymaster, searching your pockets, and confiscating a sum of three hundred and sixty-eight dollars, which the said paymaster was taking out, on the 16th instant, from the port; and also the outrages which were repeated yesterday against yourself.

I presume that the want of information on your part of the attributes of the employés of the republic in the various branches into which the administration is divided is the occasion of the error into which you have fallen in addressing yourself to me, believing that I am the superior of said employés.

To remove that erroneous impression, and that you may use your rights in a manner more in conformity with the laws, I have to state to you that I am the chief of the fourth division of the Mexican army, now accidentally stationed in the State of Sinaloa, discharging a special commission from the President of the republic, and that none of the officials of my division have part, directly or indirectly, in the acts of which you speak.

If any officer under my orders had such participation, I should consider myself obliged to take action in the premises; but this not being the case, I cannot do so, but have to leave others to respond for their own acts.

From motives of courtesy, and in order that you may separate from the course that should be followed, I will state to you also that the authors of said acts, being employés of the maritime custom-house, you should address yourself with your reclamations to the administrador citizen Francisco Sepulveda, as their immediate chief; and if he does not render justice, you can apply, as I have before stated, to the tribunals or to the national government.

Having made the preceding explanations, I trust you will be convinced that I am not the authority to whom you should address yourself, and that my character of general-in-chief, under the orders of the supreme government of the republic, does not authorize me to interfere in questions foreign to the discharge of my military commission.

Having, with what I have stated, answered the communication referred to at the beginning of this note, I renew to you at the same time the assurances of my consideration.

Independence and liberty! Headquarters in Mazatlan, June 19, 1868.

R. CORONA.

The COMMANDER of her Britannic Majesty's ship *Chanticleer*,
anchored in the bay of this port.

Mr. Fuhrken to Mr. Plumb.

JUNE 23, 1868.

On a new representation, signed by all the foreign consuls and principal merchants of the place, Captain Bridges has suspended his action against the city. He offers, on the strength of our request, to be lenient until he receives satisfaction, or instructions from the admiral, but reserves his firm intention of proceeding to extreme measures should new provocations be offered him.

In consequence of this, the mercantile community has resolved to dispatch this letter by express to you, and I have the honor to request you to return your answer, and that of the Mexican government, by the same opportunity.

Captain Bridges's conduct has highly obliged us, and we strongly hope the government will take it into consideration and hasten to correspond by a prompt and satisfactory answer.

I have advised General Corona of the departure of the express, so that he may avail himself of this opportunity to forward his dispatches for the department.

I have the honor to remain, sir, yours, very respectfully,

Ho

C. FUHRKEN.

n. E. LE PLUMB,

United States Minister Resident, &c., &c., Mexico.

Mr. Woolrich to Mr. Plumb.

BRITISH VICE-CONSULATE,
Mazatlan, June 23, 1868.

SIR: Owing to a question of a very serious nature having arisen between the commander of her Majesty's ship *Chanticleer* and the authorities of this port, I was on the

point of embarking yesterday on board the mail steamer for San Francisco, and requested the Prussian consul, (who was himself addressing you,) in my name, to beg of you to use your friendly influence in arranging the matter of the gross insult offered to Commander Bridges, who intended taking summary measures to punish the same, having failed to obtain any redress from the commander-in-chief of the 4th division, (General Corona,) who, although the highest representative of his government, has expressed his inability to act in the matter or to punish the offender, and referred the commander to the collector of the custom-house, with whom he could not enter into communication on a national question of such a serious nature.

The Prussian consul has brought all the facts relating to said insult fully before you, and will also inform you that Commander Bridges has been prevailed upon to desist from bombarding the public buildings until he has communicated with Admiral Hastings, and the matter has been brought to the knowledge of the Mexican government. I have also to request you, as the representative of a friendly nation, (my government holding no diplomatic intercourse with Mexico,) to use your influence with the supreme government in obtaining prompt satisfaction for Commander Bridges, and thereby avoid destruction to life and property.

I anticipate you my best thanks for all that you may do towards bringing about a peaceable and satisfactory settlement of this matter.

I have the honor to be, sir, your most obedient humble servant,

C. WOOLRICH,

Her Britannic Majesty's Vice-Consul.

Hon. E. LEE PLUMB,

United States Minister Resident, &c., &c., in Mexico.

Mr. Sisson to Mr. Plumb.

CONSULATE OF THE UNITED STATES,

Mazatlan, June 23, 1868.

SIR: I have the honor to forward you two inclosures—No. 1, a copy of the notice I received from Commander W. W. Bridges, of her Majesty's ship Chanticleer; No. 2, copy of two letters sent by me to Commander Bridges.

As the correspondence is all in the hands of the English consul, who informs me that they are to be remitted to your honor by courier this day, I do not see that I can give you further information.

I have the honor to remain your obedient servant,

ISAAC SISSON,

United States Commercial Agent.

Hon. EDWARD L. PLUMB,

United States Minister, Mexico.

Commander Bridges to Mr. Sisson.

HER BRITANNIC MAJESTY'S SHIP CHANTICLEER,

Mazatlan, June 20, 1868.

SIR: I have the honor to inform you, that having failed to procure redress from the Mexican authorities in Mazatlan for gross insults offered to myself by the customs department, that I am compelled to take summary measures to repel the insult. I therefore shall, from noon this day, close the port of Mazatlan, and make such seizures as I may consider necessary. Should force be required to carry out my intentions I shall be obliged to resort to it, but it will be my desire, while inflicting punishment on the government of Mazatlan, not to injure private property if possible. I beg you will be so good as to display the United States flag over your consulate, and that you notify to your countrymen in Mazatlan my intentions. Before opening fire on the custom-house and other public buildings I will display the English flag at the main and fire a blank gun, in order that the inhabitants may remove from danger.

I have the honor to be, sir, your most obedient servant,

W. W. BRIDGES,

Commander and Senior Officer West Coast of Mexico.

The CONSUL for the United States, Mazatlan.

Mr. Sisson to Commander Bridges.

No. 1.]

CONSULATE OF THE UNITED STATES,
Mazatlan, June 20, 1862.

SIR: At the request of citizens, Mr. Abwua, consul of Ecuador, and myself called on General Corona this morning to try and arrange the difficulties between yourself and the Mexican authorities. General Corona stated that he intended to address you a note, and insists in the want of jurisdiction to give the satisfaction required.

Very respectfully,

ISAAC SISSON,
United States Commecial Agent.

Commander W. W. S. BRIDGES,
Her Majesty's Ship Chanticleer.

Mr. Sisson to Commander Bridges.

No. 2.]

CONSULATE OF THE UNITED STATES,
Mazatlan, June 21, 1862.

SIR: In connection with the English and Prussian consuls I feel it my duty to call your attention to the great destruction of life and property that must be the result from the bombardment of this city. As the city is defenseless, and most of the property belonging to foreigners, I truly hope that you may be able to obtain redress in some milder way.

Very respectfully,

ISAAC SISSON,
United States Commercial Agent.

Commander W. W. S. BRIDGES, R. N.,
Her Majesty's ship Chanticleer.

Mr. Plumb to Señor Azpiroz.

LEGATION OF THE UNITED STATES,
Mexico, July 2, 1862.

SIR: By dispatches which reached me this morning by extraordinary courier from Mazatlan, I am informed of very grave difficulties which have arisen at that port, between the commander of the English man-of-war Chanticleer and the Mexican authorities.

These difficulties, as I am advised, have reached so serious a stage that a blockade of the port of Mazatlan has been established, and the commander of the Chanticleer had declared it to be his intention to bombard the town; but upon the representations of the foreign consuls and merchants, was induced to desist from this latter purpose until he should have communicated with the British admiral on that coast, and the matter had been brought to the knowledge of the supreme government of the republic.

Under these circumstances communications have been addressed to me, inclosing to me the correspondence that had taken place between the commander of the Chanticleer and General Corona, the chief military representative of the Mexican government, in that part of the republic which has had this lamentable result, and my good offices have been appealed to as the representative of a friendly nation, and the only foreign diplomatic agent in this republic, to lay this correspondence before the Mexican government, and to use my influence to the end that due satisfaction may be rendered, and thereby the destruction of life and property be avoided.

I have therefore the honor to inclose herewith a copy of the correspondence referred to, as it has been transmitted to me, and very respectfully but earnestly and seriously to commend the attention of the Mexican government to the gravity of the case therein presented.

I cannot but entertain a confident hope that the government of the republic will take such a view of this affair as will lead it at once to dictate such orders as shall fully meet the exigencies of the case, and avert more serious consequences, which it is to be feared may lead to very grave international complications, if, as the inclosed correspondence would indicate, subordinate officials, without the knowledge of the Mexican government, have committed acts that require immediate redress.

I also beg to inclose herewith copy of the notice of blockade, officially communicated

to the commercial agent of the United States, and of two letters addressed by him to the commander of the Chanticleer.

The agitation and alarm among the Pacific foreign residents in Mazatlan, in view of these serious events, is extreme, and I trust the government of the republic will enable me to transmit, by the return of the present courier, such assurances as will show that this affair will have an immediate pacific solution, honorable alike to the government of Mexico and to the nation aggrieved.

To no party will such result afford more gratification, I am sure, than to the government, and I have the honor to represent.

With sentiments of the highest consideration, I have the honor to be, very respectfully, your most obedient servant,

E. L. PLUMB.

Hon. MANUEL AZPIROZ,

*Chief Clerk in charge of the Department of Foreign Affairs
of the Republic of Mexico.*

Señor Azpiroz to Mr. Plumb.

[Translation.]

DEPARTMENT OF FOREIGN RELATIONS,
Mexico, July 5, 1868.

SIR: In due reply to the note of the 2d of this month, which you pleased to remit to me, with copies of various communications relative to events which occurred at Mazatlan on the 16th and subsequent days of June last past, showing that on addressing said communications to you, recurrence was had to your good offices, because you are the representative of a friendly nation, and the only foreign diplomatic agent in this country, I have the honor to say to you that the government has taken under consideration all that you have pleased to communicate to it, as well as the contents of a communication, with its annexes, from the general of division, Ramon Corona, in command of the fourth division of the army, and of another communication from the commander-in-chief of the navy department of the south, sent to the department of war and navy, giving to it information of the events indicated.

Through the medium of the department of war and navy there have been already ordered suitable measures, which are communicated to the general in chief of the fourth division of the army in the dispatch transcribed for this department, of which I send you a copy.

The government duly appreciates your desire to contribute, through your good offices and influence, to the smoothing away of the difficulties that occurred at Mazatlan, and will have the satisfaction of availing itself of them should needful occasion happen.

I am, sir, very respectfully, your obedient servant,

MANUEL AZPIROZ.

Mr. EDWARD LEE PLUMB,

Chargé d'Affaires of the United States of America in Mexico.

[Translation.]

No. 15.—DEPARTMENT OF WAR AND NAVY—SECTION 1.

To-day I say to the general of division, Ramon Corona, in command of the fourth division, as follows:

"I have laid before the consideration of the President of the republic your communication of the 22d of June last, with a copy, and the printed matter annexed, upon the reclamations of Mr. W. Bridges, commander of the ship of war of her Britannic Majesty the Chanticleer, anchored in the bay of Mazatlan. Your communication, with its annexes, and another from the chief in command of the navy at the south, brought by special mail, are the only documents which the governor has received, there not having arrived by that or other channel any communication or document from the maritime custom-house to the proceedings of which the reclamations relate.

"For this reason the President has decided, that through the department of the treasury the administrator of the maritime custom-house be notified by an express mail to transmit, if that has not been done, a report of all the circumstances in connection with what has happened, stating the reasons why he had not given immediate information,

so that the government might at once have appreciated the events with exactness the moment they trench upon national interests. Notwithstanding the absence of any statements from the custom-house, and with reserve always of what may be determined when they may be received, the citizen President has taken the business into consideration, so far as till now set forth and appearing on the documents received.

"The first reclamation of the commander of the frigate set forth that the agents of the custom-house, on the 16th of June, collected a sum of money which the purser of the vessel had with him at the time he was going on board the ship. The captain asked that the amount should be restored, complaining that himself and the purser had been insulted. It seems, from the very words of the commander in his first communication, that the agents of the custom-house made requisition from the purser when he had reached the wharf, which seems to signify that he was about to embark without making a manifest of the money, and that he had not with him even any permit to ship any amount; but that at the time of the discovery of that which he was carrying he said he had a permit for a smaller sum, which he was ordered to draw from a merchant, and presented afterwards; and that the commander says he warned the purser that he should not deliver the money nor go to the custom-house, which was to warn him that in Mexican territory he should resist and should not obey the agents of the Mexican authority. In the absence of reports from the custom-house, it is to be presumed that it collected the money, and then refused to restore it when afterwards the permit was presented, because it had not been used for making a manifest of the money, in the act of his going to take it on board. If by general rule this way of acting were permitted, a permit kept in a merchant's office would serve for embarking a large amount in small quantities shipped in succession without manifests, trusting that, if at some time the fiscal officers should note and detain some partial amount, the permit would then be ordered to be brought and presented.

"The examination of the purser was not an offense or insult, especially when the fact appeared that he was going to ship a sum without the usual forms. Examination at the custom-house is not an exclusive practice of Mexico; there, on the contrary, it is not customary to make them so scrupulously as in other countries. Still less could the commander of the frigate consider himself offended by the simple fact that some one should have notified him that he could not exercise any power or authority on shore. He himself shows in his first note that he cautioned the purser, while on shore in Mexico, to resist and disobey the agents of the Mexican authorities. In place of the commander being offended, his warning might well appear to be an offense against, and disrespect of, Mexican laws and authorities. The officers and crew of a vessel of war anchored in a foreign port, when they go ashore are under obligation to hold in respect the authorities of the country and observe its laws, being responsible for their infraction or for disregard thereof. Although the commander of the frigate characterized as an insult what happened primarily with him and the purser, doubtless he did not think it sufficiently clear and demonstrated that there had been offense, because he limited himself to requesting in his two first communications the return of the money retained, without expressing that he wanted other satisfaction. He did not ask that until his third note, after what happened on the 18th June, with the same commander, who considered the fresh act as the greater offense. Until the government receives the report from the custom-house, it will not be enabled to appreciate the circumstances of the second act; but it may be considered, in view of the documents received, that the demands and measures of the commander of the frigate do not appear to be in conformity with the law of nations, nor founded on justice. In no way could it be just, nor could the authorities of the republic admit the demand of Commander Bridges, that the officer who had directed the occurrence of the 18th of June should be sent on board his vessel and be punished as should be satisfactory to him.

"Grave as the captain may consider the fault, he can only ask, in conformity with the principles and laws of civilized nations, that the offender or offenders should be tried, not by the offended but by their own judges, nor punished at the pleasure of the offended party but in such manner only as should satisfy justice. As little could it seem just or in conformity with the law of nations, that the commander of the Chanticleer should declare, of his own authority, the blockade of Mazatlan, and no less that he should attempt it upon his own authority to bombard an undefended city. Although by the attempted foreign intervention in Mexico the relations between Mexico and England have been interrupted, it is a fact that there has not for a long time been any hostilities between the two countries. Under such circumstances it could not be in conformity with the law of nations that the commander of an English ship of war should establish, of his own authority, a state of hostilities without orders from his government.

"This beginning of hostilities would be so much the less justifiable on the part of the commander of the Chanticleer, inasmuch as, if the acts of some public functionaries of Mazatlan were considered to be irregular, they would be deemed to be entitled to seek proper reparation; but the case had not happened in which it could be believed that this had been refused by the government of the republic.

"Far from so believing, it should be considered that it has been and is the constant

purpose of the policy of the government not to give any well-founded motive for complaint, even to subjects of countries which have interrupted their relations with Mexico, although, indeed, the resolution may be held to make all the efforts and sacrifices necessary to uphold the dignity and the rights of the republic. On these subjects the conduct of the government has been in accordance with the enlightened opinion of the generality of the Mexican people, which has well demonstrated, in a recent epoch of trial, its determination to treat not merely with justice, but with kindness, all foreigners of every country who may reside in the republic or may desire to come to it.

"Observing the same principles in respect to what has happened at Mazatlan, the government would not consent to any irregular requisition, but as little does it question of being able to dispose of the proper investigation of the facts, so that if there have been wrongs they may be remedied as may be correspondent with justice. With this object the President of the republic has determined that the department of Hacienda issue appropriate orders on the two points following:

"1st. That the money taken from the possession of the purser of the frigate *Chanticleer* be held under the quality of a deposit until the government receive the reports of the maritime custom-house, in order to resolve, upon seeing them, whether the government can of itself determine that the amount be returned, or whether it is indispensable under the circumstances of the case, that it be submitted to a judicial decision.

"2d. That there be placed at the disposal of the judge of the district of Mazatlan, that he may proceed in accordance with the laws, the persons employed in the maritime custom-house who interfered in what happened on the 16th and 18th days of June last, in respect of the commander and officers of the frigate *Chanticleer*, as well as the employé who gave order to do those acts, giving information every week to the government of the state of the proceedings during which said employés may be absent from duty, until, in view of the result of the trial, the government may determine as to those who are ready to return to duty.

"The President has also determined to commission you to act in this matter in conformity with the following directions:

"1. The provisions of this communication shall be without effect if, at the time of their receipt by you, the difficulties mentioned as having happened at that port shall already have been satisfactorily settled.

"2. In the contrary case you will please address a note to the commander of the frigate *Chanticleer*, sending him a copy of this communication.

"3. If, notwithstanding the disposition made by the government, the commander of the *Chanticleer* should insist in maintaining the blockade, and if he should again threaten to bombard Mazatlan, you will act in either case in conformity with the instructions I give you in a separate dispatch."

And I send it to you for your information.

Independence and liberty! Mexico, July 5, 1868.

MEJIA,
Minister of Foreign Relations.

Mr. Plúmb to Mr. Fuhrken.

LEGATION OF THE UNITED STATES,
City of Mexico, July 6, 1868.

SIR: I have the honor to acknowledge the receipt, on the 2d instant, of your communication of the 22d, with postscript of the 23d ultimo, with which you have been pleased to transmit to me, at the request of Mr. C. Woolrich, the vice-consul of Great Britain at Mazatlan, copy of correspondence between the commander of her Britannic Majesty's ship *Chanticleer* and General Corona.

This request is made of you by Mr. Woolrich in the anticipation of his having immediately to leave Mazatlan.

And you add that Mr. Woolrich requests me "as the representative of a friendly nation to lay these documents before the Mexican government, and to obtain for the British flag the satisfaction so unjustly denied by the authorities of Sinaloa."

You also express to me in your communication the alarm and consternation which prevail among the Pacific foreign residents at Mazatlan in view of what has occurred, and refer to the loss of life and property that must ensue if the difficulties that have arisen between Commander Bridges and the Mexican authorities shall not be brought to a pacific solution.

It is with great pleasure that by the postscript to your letter I have learned that, acceding to the timely representations of the foreign consuls and merchants, the threatened bombardment of the town, which would inflict most damage upon innocent parties, has been desisted from by Commander Bridges, and it is to be trusted the blockade of the port, also seriously affecting neutral commerce, may, by a happy solution of these difficulties, speedily be raised.

In view of the appeal that has been made to me, and of the circumstances presented in your communication, I have not hesitated to use every influence compatible with my position to induce the Mexican government to take such action as shall facilitate a pacific solution of the difficulties which have arisen, and I cannot but most earnestly hope such a result may be attained.

Inclosed herewith I beg to transmit to you a copy of the note with which I communicated to this government the correspondence you desired me to lay before it, and also a copy of the reply which I have received from the department of foreign affairs.

I have the honor to be, very respectfully, your obedient servant,

E. L. PLUMB.

C. FUHRKEN, Esq.,

Consul of Prussia, Mazatlan.

Mr. Plumb to Mr. Woolrich.

LEGATION OF THE UNITED STATES,

City of Mexico, July 6, 1868.

SIR: I have the honor to acknowledge the receipt, on the 2d instant, of your communication of the 23d ultimo, relating to the difficulties which have arisen at Mazatlan between Commander Bridges of her Britannic Majesty's ship Chanticleer and the Mexican authorities.

I have also received the communication from the consul of Prussia at that port, to which you refer, with which there has been transmitted to me a copy of correspondence which has taken place between Commander Bridges and General Corona.

While advising me of the difficulties that have taken place, you request me, as the representative of a friendly nation, (your government holding no diplomatic intercourse with Mexico,) to use my influence with the supreme government to obtain prompt satisfaction for Commander Bridges, and thereby avert the destruction of life and property.

The occurrences to which your communication refers have deeply impressed me, and I have not failed immediately to use every exertion consistent with my position, in favor of such action by this government as shall lead to a pacific solution of the difficulties which have arisen.

I cannot but earnestly hope such a solution may be attained, and that thus the destruction of life and property and the interruption of commerce may be averted.

By this opportunity I have addressed the consul of Prussia, in reply to his communication, and have inclosed to him a copy of the correspondence I have had with this government upon the subject referred to.

I am, very respectfully, your obedient servant,

E. L. PLUMB.

C. WOOLRICH, Esq.,

Her Britannic Majesty's Vice-Consul, Mazatlan.

Mr. Plumb to Mr. Sisson.

LEGATION OF THE UNITED STATES,

City of Mexico, July 6, 1868.

SIR: I have to acknowledge the receipt, on the 2d instant, of your communication of the 23d ultimo, transmitting to me copies of a notice received from and of two communications addressed by you to Commander Bridges, of her Britannic Majesty's ship Chanticleer.

You also refer to a correspondence which you were informed by the English consul would be transmitted to me, and which has been remitted by the consul of Prussia, relating to the recent events at Mazatlan.

I have now to inclose to you herewith a dispatch for the consul of Prussia, with which is transmitted a copy of the correspondence I have had with this government upon the subject referred to.

I also inclose herewith a dispatch for the English vice-consul at your port, which, together with the above, I beg you will duly deliver.

I am, very truly, your obedient servant,

E. L. PLUMB.

ISAAC SISSON, Esq.,

United States Commercial Agent, Mazatlan.

Mr. Seward to Mr. Plumb.

No. 75.]

DEPARTMENT OF STATE,
Washington, July 8, 1868.

SIR: I have just received directly from the United States consul at Monterey, in the State of New Leon, a copy of the deposition of the United States citizens who were the subjects of the late indignity at that place. They make a case in which the police of the city, acting under the direction of the secretary of the State government, committed great indignity and inexcusable outrage against the persons, rights, and sensibilities of the complainants.

While it is very manifest that the federal government of Mexico could neither have authorized nor contemplated the possibility of such an outrage, it is, at the same time, equally manifest that the authorities of the State were unrestrained by any consideration of prudence or of respect for the United States. The government and people of the United States cannot but feel deeply grieved by the outrage, unless it shall be explained in a satisfactory manner; and if not so explained, shall be promptly rebuked by the government of Mexico. You will lose no time or occasion in soliciting such redress.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

EDWARD L. PLUMB, Esq., &c., &c., &c.

Mr. Plumb to Mr. Seward.

No. 159.]

LEGATION OF THE UNITED STATES,
City of Mexico, July 11, 1868.

SIR: I have the honor to transmit to the department herewith copy of a communication and its inclosures, received this day from the Mexican government, relating to the reported organization in the United States of expeditions hostile to the peace of Mexico.

In this communication the desire is expressed that I should at once communicate the contents of the same to the government of the United States.

A copy of my reply is also herewith inclosed.

I have the honor to be, very respectfully, your obedient servant,
E. L. PLUMB.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Señor Azpiroz to Mr. Plumb.

[Translation.]

DEPARTMENT OF FOREIGN RELATIONS,
Mexico, July 10, 1868.

SIR: By the annexed copies of a communication which, under date of the 8th of the present month, has been passed to this department by that of government, and of other communications addressed to that department by the governor of the State of Nuevo Leon, to that governor by the military commandant of the Mexican line of the Bravo, and to that military commandant by the consul of Mexico in Brownsville, you will see that the enemies of the public order of Mexico do not rest in their criminal machina-

tions, but have carried the same to the territory of the United States, and are there addressing themselves to the disturbance of the peace of this republic.

The Mexican government is confident that that of the United States will prevent the development of these projects, and the realization of their objects immediately that the same shall become known to it, because if in this manner every government maintaining a condition of strict neutrality would proceed, that of the United States has for proceeding in this manner, besides, the motives of well-manifested friendship, and of a common interest for the maintenance of order and of peace in this republic, which closely unite it with the government of Mexico.

It is therefore necessary that the government of the United States be informed that within its territory efforts are being made to organize troops of filibusters with the intent to invade the Mexican territory, in order that it may, on its part, prevent the execution of such plans.

The government of Mexico does not doubt that you will be so good as to transmit to that of the United States the contents of this note, and of the documents annexed, with the efficacy proper to your character of representative of a nation friendly to Mexico.

I am, sir, very respectfully, your obedient servant,

MANUEL AZPIROZ, *Chief Clerk.*

MR. EDWARD LEE PLUMB,

Chargé d'Affaires of the United States of America in Mexico.

Señor Vallarta to Señor Azpiroz.

[Translation.]

DEPARTMENT OF GOVERNMENT.—SECTION 4.

Under date of the 28th ultimo the governor of the State of Nuevo Leon addressed to this department the following official communication:

Under date of the 25th instant the military commandant of the line of the Bravo writes to this government as follows:

"I inclose to you copy of a communication and copies of letters which, under date of the 20th instant, have been addressed to me by the Mexican consul in New Orleans. Said communications corroborate the information that the detectives I have among the insurgents resident in Brownsville daily give me, as the assurance is notorious with which the said traitors labor to attain or to carry forward the enterprise they have undertaken of inaugurating revolution on this frontier.

"Four of the traitor leaders who were in Brownsville left day before yesterday, in the direction of Lareto, to confer with Juiroga, who is in accord with them, and yesterday eleven men left in the same direction, and, as I am informed, are to serve as escort.

"I communicate the same to you for your information, requesting that if anything occurs with reference to this matter in the part of the river Bravo which is within the State under your worthy command, you will be so good as to communicate the same to me, and I will keep you informed of what occurs in the line which is under my charge.

"And I have the honor to transcribe the same to your department, remitting at the same time the copies to which this note refers, and stating to you that the information they contain confirms the fears that some time since this government communicated to the general government of the republic, that the traitor Juiroga designs to disturb the public order in this part of the frontier, and that there is consequently a necessity that the supreme government should dictate the most urgent and efficacious orders to the end that the government of the State may count with security upon sufficient resources for the payment of the force which it has organized, and such further force as may be necessary to make head against the situation in case the peace of the State should unfortunately become disturbed."

And I transcribe the same to you for your information, remitting also a copy of the documents to which the communication herein inserted refers.

Independence, constitution, and reform! Mexico, July 8, 1868.

VALLARTA.

CHIEF CLERK in charge of the Department of Relations, Present.

[Translation.]

DEPARTMENT OF GOVERNMENT, SECTION 4, MILITARY COMMAND OF THE LINE OF THE BRAVO.

CONSULATE OF THE MEXICAN REPUBLIC.

New Orleans, June 20, 1868.

Besides the information which you will see in the inclosed copies, with reference to the expedition of filibusters that, by order of the ex-Mexican General Antonio Lopez

de Santa Anna, is preparing in this city, I inform you of other details which I have been able to obtain, in order that you may make such use of them as you may think proper. That the expedition is to be directed to Texas is more than probable, as the enlisted men have orders to answer in case they are arrested, as they fear they may be by the American authorities, that they have been engaged to work upon a railroad that is about to be commenced in the State of Texas, and in my opinion they will disembark not far from Brownsville, where, as I am informed, are already some of the leaders and officers, who are to place themselves at the head of this horde of pirates.

To-morrow at seven o'clock in the morning over one hundred of these men are to meet at a café that there is in Bienville street, No. 119, (one of the points of enlistment,) and are to take the railroad train for Opelousas, and to stop at a point some fifty miles from here, where it is said a camp is formed.

In renewing to you the assurances of my consideration and esteem, it only remains for me to beg that you will be so good as to give information of all that I have communicated to the President of the republic.

Independence, liberty, and reform!

RAMON S. DIAZ.

The MILITARY COMMANDANT of *Matamoras*.

A copy of the original which I certify.
HEROIC MATAMORAS, June 25, 1868.

MIGUEL PALACIOS.

JOSÉ ZAYAS Y GUARNEROS.

[Translation.]

DEPARTMENT OF GOVERNMENT, SECTION 4, MILITARY COMMAND OF THE LINE OF THE BRAVO.

No. 1.

CONSULATE OF THE MEXICAN REPUBLIC, NEW ORLEANS,
New Orleans, June 8, 1868.

To the Governor of the State of Vera Cruz:

The annexed communication for the department of relations I send open, for the purpose that you may inform yourself of its contents, and take such measures as you may believe convenient, begging of you that you will send it rapidly forward.

RAMON S. DIAZ.

No. 2.

NEW ORLEANS, June 18, 1868.

To the Minister of Foreign Relations of the Republic of Mexico:

There being no vessel direct to Vera Cruz, I send the present by way of Havana. By the annexed copies you will be informed of the expedition which is preparing here to invade Mexico. All is done for account of the ex-General Santa Anna, who yet remains in the capital of Cuba. From a private letter I have just received from Havana I copy the following:

"It is necessary to have here a person who has relations with some officers of the regiment of Spain, to obtain details of what there is with respect to Santa Anna and his expedition, for I have positive information that it is in this corps that there is the greatest number of officers for the purpose proposed by Santa Anna and General Marquez. The war steamer General Leso is about to be sold at auction, and it will be adjudged completely found and armed, to the imperialists, for it is for this object that it is to be put up at public sale.

"Remissions of men, arms, and money continue to be made by schooners to Yucatan and Campeche, which are the cardinal points of departure for all the operations they undertake."

From this it will be seen that the expedition from Havana is in accord with that from this city. There the enlistments continue, and what appears to me very necessary is that great vigilance should be exercised on the line of the Rio Bravo, and above all in the vicinity of Matamoras, to the authorities of which place I will give information by the first opportunity.

No. 3.

NEW ORLEANS, June 16, 1868.

To the Consul General of the Republic of Mexico in New York:

Yesterday I sent to you a telegraphic dispatch, advising you that an expedition of filibusters is being formed here for the invasion of Mexico, by way of Matamoras.

Annexed hereto is a copy of the communication which, with reference to this scandalous affair, I have addressed to General Buchanan.

The enlistment is being publicly effected, and I have learned so far of three different places where the names of the enlisted men are registered, which are: the Spanish fonda and café in St. Philip street, between Old Levee and Chartres street, known by the name of the Punuladas; a café situated in Bienville street, corner of Dauphin, and in Toulouse street, in front of No. 126, a boarding-house. This is where a so-called colonel lives who lately figured among the invaders of the republic, and who is the one who makes the enlistments.

This individual has been wounded to-day at half-past three in the afternoon, in the left hand, by one of the adventurers of the expedition, in a quarrel which they had.

In this house in Toulouse street, up to recently, the imperialist Perez Gomez was stopping, and another Mexican named Aguilar is now living there, who also figured in the famous empire. The expedition is formed here, and by different small vessels they are sent off in squads to Ship Island, from whence, I am informed, the expedition will leave, and that it is to be directed to Matamoras.

Last night, by the American steamer Star of the Union, emissaries arrived here from Havana, from Santa Anna, for whose account the expedition is made.

RAMON S. DIAZ.

No. 4.

NEW ORLEANS, June 15, 1868

General Buchanan, Commander of the 5th Military District:

GENERAL: I have this morning learned that a military expedition is being formed in this city, for the purpose of invading the republic of Mexico; the landing to be made at Matamoras.

According to the information I have received said expedition is to embark from the island called Ship Island, near Lake Pontchartrain, where there are already to be found over three hundred men and two schooners. The expedition is to be composed of one thousand three hundred men.

I trust, general, that you will be pleased to adopt the necessary measures to the end that the laws of neutrality shall not be violated.

RAMON S. DIAZ,
Consul of Mexico.

NEW ORLEANS, June 19, 1868.

RAMON S. DIAZ.

True copies.

A copy of the original which I certify.
HEROIC MATAMORAS, June 25, 1868.

A copy.

MIGUEL PALACIOS.

MEXICO, July 2, 1868.

JOSÉ ZAYAS Y GUARNEROS.

Mr. Plumb to Señor Azpiroz.

LEGATION OF THE UNITED STATES,
Mexico, July 11, 1868.

SIR: I have the honor to acknowledge the receipt of your note of yesterday's date, inclosing to me copies of a communication received by your department from the department of government, and of communications addressed to that department by the governor of the State of Nuevo Leon, to that governor by the military commandant of the Mexican line of the Bravo, and to that commandant by the consul of Mexico in New Orleans, by which you state that it will be seen that the enemies of the public order of Mexico do not rest in their criminal machinations, but have carried the same to the territory of the United States, and are there addressing themselves to the disturbance of the peace of the Mexican republic.

You also state that the Mexican government is confident that the government of the United States will prevent the development of these projects, and the realization of their objects, immediately that the same shall become known to it. You also add that the government of Mexico does not doubt that I will transmit to that of the United States the contents of your note, and of the documents annexed thereto, with the efficacy proper to my character as the representative of a nation friendly to Mexico.

In reply I beg to state that a copy of your note, and of its inclosures, will be at once transmitted by me to the government of the United States at Washington.

I have the honor to be, very respectfully, your obedient servant,
E. L. PLUMB.

Hon. MANUEL AZPIROZ,
Chief Clerk in charge of the Department of Foreign Affairs of the Mexican Republic.

Mr. Seward to Mr. Plumb.

No. 76.]

DEPARTMENT OF STATE,
Washington, July 15, 1868.

SIR : I have to inclose to you a copy of a communication received from T. W. Scott, consul at Matamoras, in reference to the seizure of an amount of gold coin by the custom-house authorities at that port, belonging to Dr. W. L. Hutchinson, a citizen of the United States.

You are instructed to make an investigation of this case and report to this department.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

EDWARD L. PLUMB, Esq., &c., &c., &c.

Mr. Scott to Mr. F. W. Seward.

No. 40.]

UNITED STATES CONSULATE,
Matamoras, June 29, 1868.

SIR : I have the honor to state that I have been appealed to by Dr. W. L. Hutchinson, an American citizen, to make a protest against an illegal seizure and confiscation of \$1,600 in Mexican gold belonging to him, taken by the Mexican officials of Matamoras, about the 12th of May last, as he was leaving this city for his home in Tuxpan, Mexico.

I wrote Mr. Plumb on the subject, May 27th, but have received no reply. The basis upon which I made the protest dated May 21, 1868:

1. The charge was an attempt to export the money without paying duties; evidence to the contrary produced.

2. The proceedings were illegal.

3. The Mexican official did not report the full amount taken, and an attempt made to conceal a portion of the money while counting in the custom-house, which was discovered by an American who was called in as a witness.

4. The said Mexican official did propose to make a compromise with said Hutchinson, by proposing to pay him \$250 of his own money, provided he would sign a receipt in full, and obligate himself not to take any further action in the case. I had satisfactory evidence of the truth of the above, and the receipt referred to, written by a Mexican official, before me at the time I protested against the proceedings. I have a copy of said receipt on file. In reply I was informed that they could not take into consideration my protest.

I am, sir, very respectfully, your most obedient servant,

THOMAS W. SCOTT,
United States Consul.

Hon. F. W. SEWARD,
Assistant Secretary of State, Washington, D. C.

UNITED STATES CONSULATE,
Matamoras, May 21, 1868.

I, T. W. Scott, consul of the United States of America for the port of Matamoras, and the dependencies thereof, do hereby certify that W. L. Hutchinson, an American citizen, to me well known, personally appeared before me this day, who, being by me duly sworn, deposes and says that his home is in Tuxpan, Mexico. Deponent says that, on or about the fourth of this instant, as he was attempting to leave this city he was arrested by the custom-house employés, and his money, amounting to \$1,600 in Mexican gold,

was taken from him; and he, said Hutchinson, deposes and says that he assured said official that he did not intend to export said money, and if he had violated any law he was not aware of it, and he was ready and willing to pay any legal charge if any. He was referred to the courts for redress, and, after which, deponent was informed that his money was confiscated, but they, the custom-house officials, would give him \$250, provided he would take no further action in the case, and sign a receipt to that effect, which he, said deponent, refused to do.

W. L. HUCHINSON.

Sworn to and subscribed before me this day and date above written.

In testimony whereof witness my hand and seal of this consulate.

[SEAL.]

THOMAS W. SCOTT,
United States Consul.

Mr. Seward to Mr. Plumb.

No. 78.]

DEPARTMENT OF STATE,
Washington, July 16, 1868.

SIR: Your dispatch No. 144, with the accompanying affidavits, relative to the unprovoked indignity to certain citizens of the United States at Monterey, has been received. You were last instructed upon this subject by the dispatch from the department (No. 75) of the 8th instant. Herewith a copy of a note from Mr. Romero, of the 29th of June, in regard to it is transmitted.* It appears that Mr. Davila, the secretary of the governor of New Leon, is the person who gave the order for the arrest of the complainants. For this and for their subsequent harsh treatment, he should be held accountable. You will urge this view of the case upon the attention of the Mexican government.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

EDWARD L. PLUMB, Esq., &c., &c., &c.

Mr. Plumb to Mr. Seward.

No. 161.]

LEGATION OF THE UNITED STATES,
City of Mexico, July 17, 1868.

SIR: Among the important provisions of the Mexican constitution is the power given to the congress, "of approving the federal estimates of expenditures, which shall be annually presented by the executive, and of imposing the taxes necessary therefor." (Art. 72, clause 7.)

This is followed, in the general provisions of the constitution, by the prescription that "no payment of money shall be made that is not embraced in the fiscal estimates or determined by previous law." (Art. 119.)

For the first time, however, since the adoption of the present constitution, in 1857, has the congress of Mexico, as stated by the president of that body in his address at the adjournment on the 31st of May last, occupied itself with these labors. In the second period of its late sessions, in compliance with the constitution, it gave preference to financial affairs, and after mature deliberation revised the estimate of expenditures, and issued a law classifying the revenues, as also an estimate of receipts.

* For inclosure see correspondence with the Mexican Legation.

These recent laws, therefore, afford the most reliable data attainable regarding the revenues and expenditures of the republic of Mexico, and the sources from whence its income is proposed to be derived.

The publication of the estimate of expenditures, or appropriation bill, as it would be termed with us, was not completed until the 8th instant, and I am consequently only now enabled to transmit to the department, as I do herewith, translations of the three laws which embrace the above important subject.

In the law classifying the revenues there is established what is the national property, and what are the revenues of the federal government, as distinguished from those of the States.

The sources of federal revenue that are specified are twelve in number, and are as follows:

1. Duties on importations.
2. Duties on exportations.
3. Assay and coinage.
4. Stamped paper.
5. Half of the proceeds of the public lands, the other half belonging to the States.
6. Guano deposits.
7. Pearl and other fisheries.
8. Interest on capitals due the treasury.
9. Post office.
10. Patents.
11. Taxes in the federal district and territories.
12. Such other imposts as in conformity with clause 7, of article 72 (first cited) of the constitution, may be decreed by congress. Of these sources of revenue, not all appear to be available at the present time.

In the law of estimate of receipts the supposed income for the present fiscal year is set forth.

It is to be derived from nine sources, which are specified, and the different amounts with the sum total estimated as follows:

1. From the maritime and frontier custom-houses—	
Duties on importations.....	\$11, 742, 711
Duties on exportations.....	1, 254, 000
	<hr/>
	12, 996, 711
2. Excise duties in the federal district.....	1, 500, 000
3. Stamped paper.....	2, 000, 000
4. Direct contributions in the federal district.....	500, 000
5. Nationalized church property.....	600, 000
6. Coinage and assay.....	200, 000
7. Tax in favor of public instruction.....	100, 000
8. Public lands and other sources.....	300, 000
9. Tax on carriages.....	25, 000
	<hr/>
Total estimated receipts.....	18, 221, 711

It will be observed that one-ninth of the above sum is derived from taxes in the federal district; one-ninth from stamped paper, and that more than six-ninths, or a little over two-thirds of the entire estimated income, is to be derived from import and export duties, and of this sum nine-tenths from duties on importations.

If, then, importations should fall off, or the possession of the ports not

be maintained, or their revenues not be duly received, the income of the general government, it is obvious, would be very sensibly affected.

On the other hand, should the tariff of the republic be simplified and be everywhere equally enforced, trade, with the maintenance of peace, would be stimulated and the revenue would undoubtedly be largely increased.

The most immediate and effective stimulant that could probably be applied, within this country, to the revival of its industry and commerce, in addition to the maintenance of tranquillity and security, would be the removal of the burdens now resting upon its most available and peculiar means of wealth—its mining interests.

In my dispatch No. 149, of the 24th ultimo, I referred to the appointment by this government some time since of a commission to examine into the subject of the present condition of the mining interest, and especially the burdens now resting upon it; and I alluded to the recent report of this commission, which, with the approval of the minister of treasury, Mr. Romero, had been submitted to congress just at the close of the last session, and in which the entire exemption of the products of the mines from all imposts and duties was recommended.

I also transmitted with that dispatch statements showing that the burden now resting upon that branch of industry is upwards of 25 per cent. upon its gross products, in addition to the loss of nearly as much more of the silver contained in the ore, in the process of reduction.

In the law of estimate of federal receipts the congress has taken a step in the direction of this important reform, by the abolition of five of the charges heretofore made on mining products, viz :

The three per cent. mining tax.

The real per mark, equal to one and one-half per cent.

The federal contribution of twenty-five per cent. on the two preceding charges, or one and one-eighth per cent.

The circulation duty of two per cent. and the federal contribution of twenty-five per cent. on the export duty (five per cent.) and above circulation duty, making one and three-quarters per cent.

The sum of these several reductions is nine and three-eighths per cent.

In place of the former export duty of five per cent. on silver, however, that duty has been raised by congress to eight per cent. The net reduction, therefore, made by the congress amounts to six and three-eighths per cent.

But since congress adjourned decrees have been issued by various of the States, re-establishing these duties on their own account.

The State of Guanajuato, for instance, by a law issued on the 28th ultimo, has established, from the 1st instant, a duty of four and one-half per cent. on silver deposited in the assay offices of that State, and two per cent. extraction duty on all coin and bullion taken from the State. I inclose herewith translation of this decree and also of a similar law issued by the State of Michoacan, imposing a circulation duty of two per cent. and an extraction duty of the same amount, both increased by an additional duty of fifteen per cent. upon each charge.

In this connection I also transmit translation of a decree recently issued by the legislature of the State of San Luis Potosi, imposing a tax of one and one-quarter per cent. upon all mercantile transactions, such as sales of merchandise, the collection of bills of exchange, &c.

A further valuable reform has been attempted in the law of estimate of receipts, in the abolition of the duty on mortgages in the federal district, and the duty on transfer of real estate throughout the republic.

The first of these duties was two per cent. on the sum expressed in

a mortgage, payable upon the execution of the same, and another two per cent. payable at the redemption.

The duty on the transfer of real estate was ten per cent. upon the amount of the sale, payable in government obligations, which were worth, say eight per cent. on their face, and twenty-five per cent. upon the ten per cent. payable in coin, making a total of, say, three and one-third per cent. government charge upon the amount of each sale of real estate.

But the repeal of this latter tax by the general congress appears also to be nullified, for by the decrees of the States of Guanajuato and Michoacan, inclosed herewith, it will be seen that it is already being reimposed by the States.

In Guanajuato that duty is now fixed at five per cent., and in Michoacan at two per cent.

The difficulty in carrying out reforms in this country is greatly increased by the want of sufficient control on the part of the general government over the States, and the action of the former is often for this reason entirely nullified.

In article four of the same law of estimate of receipts, a very important reform has been really achieved in the abolition of the system of special funds, which has so long prevailed in this country.

Under this system, in each collection office accounts were kept of the different purposes to which funds collected were to be applied, and special orders were constantly being given by the government for the separation in subordinate offices of specific amounts for account of special objects, to the extreme confusion and embarrassment of the general financial administration.

This was especially the case in the different assignments and engagements made on account of the foreign debt.

All funds collected are now to go into a common chest, and to be paid out only by the general treasury, in conformity with such appropriations as shall be made by law.

In my dispatch No. 45, of the 12th of December last, I called the attention of the department to a decree issued on the 19th of November, by this government, in the exercise of the extraordinary powers not then expired, which abolished all tolls upon the public highways of the republic, and to provide means for the preservation of the roads substituted therefor a tax of fifty cents per thousand on landed property, manufactures, and mills, a tax on stages, and a duty of one dollar for every two hundred pounds' weight upon all foreign effects introduced into the republic, including machinery, agricultural implements, &c., that before had been free.

In article 2 of the present law of estimate of receipts, the tax for the above purpose on landed property, manufactures, and mills, is repealed; and as the tax on stages or carriages, item 9 article 1, is estimated at only twenty-five thousand dollars, it is seen that the entire burden of the maintenance of the roads of this country, to the extent of the amount that may be derived from the charge of one dollar on each two hundred pounds, weight of foreign effects imported, falls upon foreign commerce, and mainly upon commerce with the United States; for under this form of duty two hundred pounds of heavy machinery, agricultural implements, of flour or lard, from the United States, pays the same as a case of the same weight of silks or the finest goods from France.

In other words, assuming a ton of machinery to be of the value of one hundred dollars, or flour at ten dollars per barrel, this duty amounts to ten per cent., while on a case of silks or fine goods weighing two hun-

dred pounds, of which the value may be one thousand dollars, this duty amounts only to the one-hundredth part of ten per cent., or one-tenth of one per cent. Ten dollars per ton upon heavy effects, articles of first necessity, from the United States, amounts to a very considerable charge, and operates to our direct disadvantage, while the commerce in fine goods, articles of luxury, from Europe, is favored.

The amount and the several divisions of the estimated expenditures of the republic for the present fiscal year, which commenced on the 1st instant and is to terminate on the 30th of June, 1869, under the law of estimate of expenses, or appropriation bill inclosed herewith, are set down as follows:

1. Legislative corps.....	\$735, 360
2. Executive power.....	52, 880
3. Judicial power.....	488, 290
4. Department of foreign relations.....	124, 540
5. Department of government.....	1, 025, 080
6. Department of justice and public instruction.....	380, 640
7. Department of fomento.....	2, 292, 932
8. Department of treasury.....	5, 143, 726
9. Department of war.....	8, 450. 990
Total.....	<u>18, 694, 438</u>

The first part, that for the legislative power, is the expense of the congress of the Union. The second, for the executive power, is for the salary and other expenses of the President of the republic, exclusive of an item of \$18,332, under the head of the war department, for the expense of his staff.

That under the head of the judicial power is for the supreme and circuit federal courts, and the civil and criminal courts of the federal district.

The appropriation for the department of foreign affairs embraces at the present time only a legation in the United States, and consuls at New York, New Orleans, San Francisco, and Brownsville.

It is stated in the body of the law, in a note, that, "If there should occur within the proximate (now present) fiscal year, the necessity of making appointments for legations, or consulates established by previous laws, there will then be resolved what may be convenient."

Thirty thousand dollars is appropriated for the secret and extraordinary expenses of the department.

In the expenditures of the department of government the principal items are, \$115,000 for the subvention of land and maritime mail lines, \$433,260 for four corps of rural police, \$48,000 for superintendence of police, \$87,000 for police of city of Mexico, \$120,000 for municipal guard of infantry, and \$108,000 for municipal guard of cavalry. All of these items, except that for mail lines, being for expenditures within the federal district, and forming nearly four-fifths of the expenditures of that department.

The expenditures set down under the head of the department of justice and public instruction, being separated from those under the head of judicial power, which come within that department, are mainly confined to the appropriations for public instruction, which amount to \$334,920.

The department of fomento, or public works, embraces appropriations

for the repair of roads to the amount of \$799,482, for roads to be opened of \$400,000, survey of the public lands \$36,000, telegraph lines \$36,000, works in the ports \$152,000, on the national palace \$48,000, for the drainage of the valley of Mexico \$308,400, and subversion to the proposed horse-car railroad from Vera Cruz, by way of Jalapa, \$465,000.

The two remaining departments are the departments of treasury and of war. In the appropriations for the former the expense of the maritime and frontier custom-houses of the republic appears to be \$568,470, of the federal treasury offices in the different States \$107,600, administration of stamped paper \$204,540, collection of the revenue of the federal district \$114,178, mint houses and assay offices, so far as they are yet in the hands of the general government, the most of them having heretofore been leased under contract, \$146,280, retired list and pensions \$192,498.

The appropriation on account of the public debt, foreign and domestic, is \$3,500,000. The working of this appropriation is as follows:

"For the cancellation (amertization) and payment of the public debt, interior and foreign, \$3,500,000."

In the debate which took place in the Mexican congress upon the adoption of this item, and which was participated in both by the minister of the treasury and the minister of foreign affairs, the position was taken by the government that it did not propose to pay the interest on any of its public debt, except upon the bonds issued in the United States, and that was to be left to the discretion of the executive; but in place thereof a system of auctions for the buying in of their debt would be maintained. With my dispatch No. 135, of the 27th of May, I transmitted to the department a full report of the debate which took place on that occasion.

The largest item of the expenditures of the Mexican government is that under the head of the war department. Of the \$18,600,000 total appropriations, over eight millions are for this department.

According to a report just published, made under date of the 20th of February of the present year, by the late minister of treasury, Mr. Iglesias, the military force at the command of the constitutional government, under arms in July, 1867, could not be calculated at less than eighty thousand men. This has now been reduced to somewhat over sixteen thousand men, divided into four principal divisions of four thousand men each, and a fifth, less important, of which the number is not stated.

The appropriation for each of the principal divisions is \$921,882, or upwards of \$4,000,000 for the four principal divisions of the Mexican army. For four brigades of artillery the appropriation is \$564,000, for the marine department \$42,313, medical corps of the army \$148,000, special battalion of "supremas paderes" \$160,000, corps of carbineers \$111,000, invalid corps \$95,000, military command of Vera Cruz and other ports in the Gulf and on the Pacific \$734,000, retired corps \$191,000, pensions \$387,000, material and armament \$587,000, military colonies on the frontier of the north and in Yucatan \$500,000, extraordinary expenses \$500,000.

The sum of the appropriations for the war department is \$8,450,990.

As before stated, the total amount of the estimated expenditures of the government of the republic is \$18,694,438.

The estimate of receipts is \$18,221,711.

From the extreme commercial prostration now existing in this country, it may be doubted whether the anticipated amount of revenue will be realized the present fiscal year.

In the law of estimate of receipts it is provided, article 5th, that if

the products of the estimated revenues shall not suffice to cover the estimated expenses, the necessary reductions shall be made in the latter in the following order:

1. In the assignments on account of pensions and the retired list, up to one-half the amount of the same.
2. In the auctions destined for the cancellation of the public debt.
3. In the sums assigned for the payment of the floating debt.
4. In the outlays of the department of public works.
5. In the expenses of the ministry of government.
6. In the salaries of civil functionaries, and of the military who are not in campaign, up to one-third the amount of their assignments.
7. In the expenditures of the department of war, so far as circumstances may permit.

I have the honor to be, very respectfully, your obedient servant,
E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

LAW FOR THE CLASSIFICATION OF THE REVENUES.

[From the Diario Oficial, June 2, 1868.—Translation.]

DEPARTMENT OF FINANCE AND PUBLIC CREDIT—SECTION 4.

The citizen President of the republic has been pleased to address to me the following decree:

The citizen Benito Juarez, constitutional President of the United Mexican States, to the inhabitants of the same, be it known:

That the sovereign congress of the Union has been pleased to decree as follows:

The congress of the union decrees:

ARTICLE 1. The revenues and properties of the federation are:

1. The duties on importation and such others as are collected by the maritime and frontier custom-houses of the republic, on foreign goods of whatsoever denomination they may be, with the exception of twelve and a half cents on each bale which the ayuntamientos of ports are authorized to collect as municipal funds.
2. The duties on exportation.
3. The products of smelting, coining, and assaying of the gold and silver introduced into the mints.
4. The product of the sale of common stamped paper, and of that which serves for the payment of the federal contributions.
5. The half of the proceeds of the sale, rent, or use of waste lands throughout the republic; the other half to remain for the benefit of the States in whose territory they may be.
6. The product of the sale, rent, or working of guano deposits.
7. The product of the duties which may be levied on pearl, whale, otter, and seal fisheries, and other analogous objects.
8. The interests and capitals which, by any title, may be owing to the federal treasury.
9. The products of the post office.
10. The duties on privileges and patents of invention.
11. The taxes established, or which may be established, destined for the expenses of the federation, in the federal district and the territories.
12. The products of such other imposts as, in conformity with fraction VII of article 72 of the constitution, may be decreed by the general congress.
13. The castles and fortresses, the citadels, magazines and arsenals of artillery, post offices, mints, and such other edifices as through purchase, donation, or any other title, may be national property.
14. Islands and shores, ports, anchorages, bays, lakes, and navigable rivers.
15. Vessels of war, custom-house cutters, transports, and other craft belonging to the federal treasury.
16. The rights the republic may have in banking business, railroads, or any other undertakings of general interest which may be authorized by the congress of the Union.
17. All unowned property which may exist within the federal district and the terri-

ories, and of hidden treasures which may be discovered in the same places, that portion which, in conformity with the laws, belongs to the treasury.

ART. 2. The law for the classifying of the revenues issued on the 12th September, 1857, is repealed.

Hall of the congress of the Union, Mexico, May 29, 1868.

FRANCISCO ZARCO, *President*.

GUILLERMO VALLE, *Secretary*.

JOAQUIN ALCALDE, *Secretary*.

I therefore order that it be printed, published, circulated, and duly observed.

NATIONAL PALACE, MEXICO, May 30, 1868.

BENITO JUAREZ.

Citizen JOSÉ MARIA GARMENDIA,

Chief Clerk in charge of the Department of Finance and Public Credit, Present.

And I transcribe the same to you for the consequent ends.

Independence and liberty! Mexico, May 30, 1868.

JOSÉ M. GARMENDIA.

LAW OF ESTIMATE OF FEDERAL RECEIPTS.

[From the Diario Oficial, Mexico, June 3, 1868.—Translation.]

DEPARTMENT OF FINANCE AND PUBLIC CREDIT—SECTION 4.

The citizen President of the republic has been pleased to address to me the following decree:

The Citizen Benito Juarez, constitutional President of the United Mexican States, to the inhabitants of the same, be it known:

That the sovereign congress of the Union has been pleased to decree the following: The congress of the Union decrees:

ARTICLE 1. The estimate of revenue of the federal treasury for the financial year, which will commence on the 1st of July of the present year and end on the 30th of June, 1869, will be comprised of the following sums:

First. From the products of the maritime and frontier custom-houses, in the following terms:

Duty of importation.....	\$6,583,948
Duty of material improvements, twenty per cent on import duty.....	1,316,789
Duty of railroad shares, fifteen per cent. on import duty, with the reservation of what congress may decide respecting this duty.....	987,592
Interior duty, ten per cent on import duty.....	658,395
Duty of counter register, including the federal contribution, which shall be paid in coin, twenty-five per cent. on import duty.....	1,645,987
Duty on export of coined silver, at eight per cent., the entire duty.....	1,200,000
Duty on export of coined gold, one and one-half per cent.....	30,000
Tonnage, light-house, and pilotage.....	150,000
Import per package on foreign imports, in place of road tolls.....	400,000
Imports on the extraction of woods.....	24,000

Second. From the products of the principal administration of rents of the district, and the subordinate offices, according to the basis on which the collection may be established, with the understanding that the duties comprised in the varied nomenclature under which are collected the duties belonging to the treasury, including the twenty-five per cent. of the federal contribution, which shall be paid in coin, shall be reduced to one sole quota, formed from the sum of those corresponding to each article, excepting the municipal tax, which shall be made out and collected separately; and that in the quotas of the tariff in force a reduction of seven per cent. shall be made on the duties of alcabala, (excise duty,) and three per cent. on the municipal duties.....

Third. From the product of stamped paper, in the following terms:
Common stamped paper.....

Stamped paper of the contribution on imposts of the States and municipalities.....

Fourth. From the product of direct contributions in the district, with exception of tax on mortgages and on transfer of real estate, and remaining included the federal contribution, which shall be paid in coin, as a part of the sole quota which shall be collected.....

Fifth. From the proceeds of nationalized property.....	\$600,000
Sixth. From smelting, coining, and assaying.....	200,000
Seventh. From the taxes appertaining to public instruction.....	100,000
Eighth. From the products of premiums and exchanges from waste lands and other smaller branches which appertain to the federal treasury....	300,000
Ninth. From the tax on carriages, decreed on the 19th November last	25,000
	<hr/>
	18,221,711
	<hr/>

ART. 2. The following imposts in favor of the federal treasury are abolished:

The rial (12½ cents) per marck (\$8 25) on silver.

The three per cent. of minería, (tax on the products of the mines.)

The duty on mortgages, established in the federal districts.

The duty on circulation of money.

The duty of fortification of Vera Cruz.

The duty on transfer of real estate throughout the republic.

That of the mercantile tribunal, which has been collected in the States for the department of public works.

That of tobacco in the same States.

That decreed on the 19th of November last, on landed property, factories, and mills.

ART. 3. The funds proceeding from the imposts which form the estimate of the revenues of the federal treasury shall be collected and distributed under the direction and responsibility of the department of finance, which shall open credits in favor of the other departments within the limits of the appropriations.

ART. 4. The products which form the estimate of revenues or income shall be distributed by the general treasury of the nation, all special funds being expressly prohibited.

ART. 5. If the products of the estimated revenues should not suffice to entirely cover the estimated expenses, the necessary reductions shall be made in the latter in the following order:

1st. In the assignments on account of pensions and the retired list, up to one-half the amount of the same.

2d. In the auctions destined for the cancellation of the public debt.

3d. In the sums assigned for the payment of the floating debt.

4th. In the outlays of the department for public works, such as may not be of absolute necessity for the reparation and preservation of the public edifices, or those for public roads, railways, or drainage.

5th. In the expenses of the home department, (ministry of government,) especially in such as are of an extraordinary character.

6th. In the salaries of civil functionaries and employés, and of the military who are not in campaign, up to a third part of their assignments.

7th. In the expenditures of the department of war in as far as circumstances may permit.

Hall of sessions of the congress of the Union, Mexico, May 27, 1868.

FRANCISCO ZARCO, *President.*

GUILLERMO VALLE, *Secretary.*

JOAQUIN M. ALCALDE, *Secretary.*

I therefore order that it be printed, published, circulated, and duly observed.

NATIONAL PALACE, MEXICO, May 30, 1868.

BENITO JUAREZ.

Citizen MATIAS ROMERO,

Minister of Finance and Public Credit, Present.

And I transcribe the same to you for your information and the consequent ends.

Independence and liberty! Mexico, May 30, 1868.

J. M. GARMENDIA.

Chief Clerk.

LAW OF FEDERAL EXPENDITURES.

[Translated and condensed from the *Diario Oficial* of June 30, and successive numbers to July 8, 1868.]

The citizen President has been pleased to address to me the following decree:

Benito Juarez, constitutional President of the United Mexican States, to all the inhabitants of the same, be it known:

That the congress of the Union has decreed the following:

The congress of the Union, in conformity with the provisions of article 69 of the federal constitution, decrees:

ARTICLE 1. The estimate of the expenditures of the federation and of the federal district, which shall be in force for the fiscal year, which will commence on the 1st of July of the present year and terminate on the 30th of June, 1869, shall be conformed to the following appropriations:

Part 1.—Legislative power.

CONGRESS OF THE UNION.

208 deputies, at \$3,000 per annum	\$624, 000	
Mileage	25, 000	
Secretary's office of congress	11, 200	
Office of reporters	5, 800	
Other items	2, 900	
Chief national auditor's office	40, 660	
First bureau of liquidation, credits proceeding from war of intervention	11, 400	
Second bureau of liquidation, the national floating debt	14, 400	
		<hr/> \$735, 360

Part 2.—Executive power.

President of the republic	\$30, 000	
Private secretaries	4, 200	
Service	3, 680	
Expenses of the palace	15, 000	
		<hr/> 52, 880

Part 3.—Judicial power.

SUPREME COURT OF JUSTICE.

1 president	\$6, 000	
10 justices, at \$4,000	40, 000	
4 justices, supernumerary, at \$3,000	12, 000	
1 solicitor general of the nation	4, 000	
1 attorney general	4, 000	
Secretary's office	18, 700	
Service	1, 900	
		<hr/> 86, 600

Part 4.—Department of foreign relations.

Minister	\$8, 000	
Chief clerk	4, 000	
Section of America	8, 500	
Section of Europe	8, 500	
Section of Chanceleria	5, 100	
Archives	3, 000	
Service	2, 220	
		<hr/> \$39, 320

DIPLOMATIC CORPS.

GENERAL LEGATION IN THE UNITED STATES.

Minister	\$15, 000	
Secretary	4, 000	
Attaché	2, 000	
Outfit and traveling expenses of minister	10, 000	
Outfit and traveling expenses of secretary	2, 000	
Outfit and traveling expenses of attaché	1, 000	
Expenses of office	1, 200	
Extraordinary expenses	1, 000	
		<hr/> 36, 200

NOTE.—If there should occur within the proximate fiscal year the necessity of making appointments for legations or consulates established by previous laws, there will then be resolved what may be convenient.

CONSULAR CORPS.

1 consul in New York	\$3,500	
1 consul in New Orleans	3,500	
1 consul in San Francisco	3,500	
1 consul in Brownsville	2,200	
	<hr/>	§12,700

GENERAL EXPENSES.

Secret and extraordinary expenses of the department of foreign affairs	\$30,000	
General archives	4,400	
Service	1,920	
	<hr/>	36,320
		<hr/> \$124,540

Part 5.—Department of government.

1 minister	\$8,000	
1 chief clerk	4,000	
Other employes	17,800	
Service and expenses	2,220	
	<hr/>	\$32,020
Printing		30,000
National festivities		10,000
Extra and secret expenses		25,000
Political chief of the territory of Lower California	\$4,000	
Secretary of the territory of Lower California	1,800	
Expenses of that office	1,000	
	<hr/>	6,800
Mail subventions for land and maritime lines		115,000
Rural police, 4 corps		108,000
General superintendence of the police of the federal district		433,260
Daily watch of the city of Mexico		48,000
Municipal guard of infantry		87,000
Municipal guard of cavalry		120,000
Extraordinary subsidy for one sole time to the state of Coahuila for expenses of protection to pacificated tribes of Indians		10,000
		<hr/> 1,025,080

Part 6.—Department of justice and public instruction.

Minister	\$8,000	
Chief clerk	4,000	
Section of justice	6,200	
Section of public instruction	3,100	
Section of archives	2,400	
Service and expenses	2,020	
	<hr/>	\$25,720

Subordinate judicial power.

CIRCUIT COURTS.

Merida:

1 judge	\$2,500	
1 attorney general	2,500	
1 clerk	1,200	
1 officer	300	
Expenses	120	
	<hr/>	6,620

Puebla:

Same as the preceding	\$6, 620
Guadalajara	6, 620
Monterey	6, 620
Durango	6, 620
Culiacan	7, 120
Celaya	6, 120

DISTRICT COURTS.

Chiapas:

1 judge	\$2, 000
1 attorney	2, 000
1 clerk	1, 200
1 officer	300
Expenses	100
	<hr/>
	5, 600
The same for Chihuahua, Guevrero, Michoacan, Oaxaca, San Louis Potosi, Toluca, and Zacatecas, \$5,600 each.	39, 200

Durango:

1 judge	\$2, 000
1 clerk	1, 200
1 officer	300
Expenses	100
	<hr/>
	3, 600
The same for Jalisco, Nuevo Leon, Puebla, Sinaloa, and Yucatan, \$3,600 each	18, 000
Sonora and Guanajuato, \$6,600 each	13, 200
Coahuila, Queretaro, Aguascalientes, Campeche, To- basco, and Tlaxcala, \$5,000 each	30, 000
Mexico	12, 850
Tamaulipas	7, 100
Vera Cruz	8, 100
Lower California	6, 500

JUDICIAL POWER OF THE DISTRICT, SUPERIOR TRIBUNAL
OF JUSTICE OF THE FEDERAL DISTRICT.

11 judges, at \$4,000	\$44, 000
2 attorneys, at \$4,000	8, 000
3 secretaries, at \$3,000	9, 000
3 chief clerks, at \$2,000	6, 000
3 advocates for the poor, \$2,000	6, 000
8 clerks, at \$500	4, 000
2 clerks, at \$1,200	2, 400
Other employés and expenses	4, 100
	<hr/>
	83, 500

COURT OF THE 1ST INSTANCE OF THE DISTRICT.

6 civil judges, at \$4,000	\$24, 000
24 actuaries, at \$1,000	24, 000
Other employés and expenses	9, 600
	<hr/>
	57, 600
Court of the 1st instance of Tlalpam	4, 100

CRIMINAL COURT.

6 criminal judges, at \$4,000	\$24, 000
6 writers, at \$1,200	7, 200
12 writers, at \$500	6, 000
Other employés and expenses	5, 700
	<hr/>
	42, 900

LOWER COURTS.

8 lower judges in the capital, at \$1,200	\$9,600	
1 at Tacuba, 1 at Guadalupe Hidalgo, and 1 at Tacubaja, at \$1,200	3,600	
11 secretaries, at \$500	5,500	
11 commissioners, at \$300	3,300	
Officers' expenses, \$100 each court	1,100	
	<hr/>	\$23,100
Extraordinary expenses, and formation of codes	20,000	
	<hr/>	\$447,410

PUBLIC INSTRUCTION.

Direction	970
School for girls	9,080
Preparatory school	61,392
Law school	20,580
School of medicine	33,050
School of agriculture	42,154
School of the fine arts	38,860
Commercial school	11,200
School of the arts and sciences	14,000
School for deaf mutes	8,142
National museum	12,000
School of engineers	35,602
4 primary schools in the city of Mexico, 3 for boys and 1 for girls, \$4,000 each	16,000
National library	11,890

GENERAL EXPENSES.

Repair of edifices	8,000	
Purchase of books, instruments, &c	10,000	
Other expenses.....	2,000	
	<hr/>	334,920
		<hr/>
		\$782,330

Part 7.—Department of fomento or public works.

Minister	\$8,000
Chief clerk	4,000
Section 1	4,800
Section 2	10,700
Section 3	9,500
Section 4	5,300
Society of Geography and Statistics	3,400
	<hr/>
	45,700

ROADS.

Repair of gates of Belen and Puente, Colorado.....	\$16,488	
Road from Mexico to Queretaro.....	90,616	
Road from Amizoc to Vera Cruz <i>via</i> Orizara.....	150,972	
Road from Perote to Vera Cruz <i>via</i> Jalapa.....	51,072	
Road from Mexico to Perote <i>via</i> Apizaco and Rio Frio.....	53,160	
Road from San Luis to Zacatecas.....	15,288	
Road from Monte Alto and Tulancingo.....	57,780	
Road from Toluca and Cuernavaca.....	64,800	
Road from Queretaro to San Luis.....	20,856	
Road from Queretaro to Lagos.....	48,000	
Road from Lagos to Amatitlan.....	36,000	
Road from Guadalajara to Manzanillo.....	60,000	
Puebla to Oaxaca by Tehuacan.....	36,000	
Morelia to the Barancas.....	36,000	
Tabasco to Chiapas.....	60,000	
Engineer for surveying road to Acapulco.....	2,400	
	<hr/>	799,432
Roads to open, decreed and yet to be provided for.....		400,000

Survey of the public lands	\$36, 000
Central telegraph line	6, 000
Line from San Luis to Matamoras	30, 000
Subvention to Phillharmonic Society	2, 400
Works in the ports	152, 000
On the national palace	48, 000
Drainage of Valley of Mexico	308, 400
Subvention to the railroad from Vera Cruz to Puebla <i>via</i> Perote, enterprise of Zangroniz	465, 000
	<hr/> \$2, 292, 932

Part 8.—Department of treasury.

Minister	\$8, 000
Chief clerk	4, 000
Chief office	6, 100
Section 1, of customs	13, 200
Section 2, of public credit	13, 200
Section 3, taxes, stamped paper, &c	13, 200
Section 4, of fiscal estimates	13, 200
Section 5, of diverse branches	8, 700
Section 6, of statistics	7, 700
Section 7, of the administration of nationalized property	22, 140
Section 8, of revision of accounts	5, 800
Archives	2, 600
Service	1, 200
Expenses	2, 400
	<hr/> 121, 440

MARITIME AND FRONTIER CUSTOM-HOUSES.

Paso del Norte:

Collector	\$3, 200
Accountant	1, 400
Writer and inspector	1, 000
Porter	140
Chief inspectors	1, 100
8 mounted inspectors, at \$500 each	4, 000
Rent of house	300
	<hr/> \$11, 140
Presido del Norte	11, 140

Piedras Negras	12, 140
Laredo	2, 600
Guerrero	2, 600
Mier	7, 020
Camargo	7, 840
Reinosa	2, 600

Matamoras:

Collector	\$4, 000
First accountant	2, 500
Second accountant	2, 200
Third, fourth, and fifth accountant	3, 500
3 writers, at \$700	2, 100
2 appraisers, at \$1,800	3, 600
Porter	400
Chief inspector	2, 000
Second inspector	1, 500
23 inspectors, at \$1,000	23, 000
2 boats and crews	3, 200
	<hr/> 48, 000
Soto la Marina	2, 600

Tampico:

Collector	\$5, 000
Chief inspector	3, 000
15 inspectors, at \$1,000	15, 000

Chief accountant	\$3,000	
2 appraisers, at \$3,000	6,000	
Other employes	20,300	
	<hr/>	\$52,300
Tuxpam		11,450
Tecolutla		4,200
Nautla		4,200

Vera Cruz:

Collector	\$6,000	
Chief accountant	4,000	
2 treasurers, at \$3,000	6,000	
3 appraisers, at \$3,500	10,500	
Chief inspector	4,000	
Second inspector	3,000	
20 inspectors, at \$1,000	20,000	
Other employes	37,190	
	<hr/>	90,690
Alvarado		6,800
Sante Comapan		4,200
Coatzacoalcos		10,550
Dos Bocas		2,000
Tabasco		25,600
Isla del Carmen		8,440
Campeche		21,660
Sisal		21,640
Zapaluta		4,000
Tonalá		8,900
Ventosa		9,900
Puerto Angel		9,900
Puerto Escondido		1,900
Chacahua		4,920
Acapulco		17,800
Sihuatanejo		1,900
Manzanillo		31,360
Navidad and Valle de Banderas		3,000
San Blas		25,920
Mazatlan		36,000
Angelas... }	Four inspectors assigned from those of Mazatlan.	
Attala }		
Tamazula. }		
Navachiste }		
Santa Cruz		3,200
Guaymas		23,260
Mulege		1,600
Loreto		1,600
La Paz		8,700
San José of Cape San Lucas		1,600
San Quintin		1,600
	<hr/>	\$568,470

FEDERAL TREASURY OFFICES IN VERA CRUZ.

Director	\$3,500	
First official	1,500	
Second official	800	
Two clerks, at \$600	1,200	
Other expenses	650	
	<hr/>	\$7,650
In Puebla		6,850
In Jalisco		7,850
In Oaxaca		5,000
In Yucatan		5,550
In Mexico, Guanajuato, San Luis Potosi, and Tamaulipas, \$5,450 each		21,800
In Michoacan		4,250
In Durango, Chihuahua, Zacatecas, Nuevo Leon, and Coahuila, \$3,750 each		18,750
In Sonora, Sinaloa, Chiapas, Queretaro, Tabasco, and Guerrero, \$3,250 each		19,500

In Aguas Calientes, Tlaxcala, Colima, and Lower California, \$2,600 each.....	<u>\$10, 400</u>	\$107, 600
Administration of stamped paper.....		204, 540

COLLECTION OF THE REVENUE OF THE FEDERAL DISTRICT.

Custom-house of the capital.....	\$39, 300	
Other offices.....	<u>74, 878</u>	114, 178
General direction of direct contributions.....		9, 600
General treasury.....		79, 120

MINT HOUSES.

Mexico.....	\$41, 720	
Guadalajara, Durango, Culiacan, Hermasillo, and Alamos, \$10,900 each.....	<u>54, 500</u>	96, 220
Assay offices.....		50, 060
Retired list and pensions.....		192, 498

PUBLIC DEBT.

For the cancellation (amortizacion) and payment of the public debt, interior and foreign.....	3, 500, 000	
Ordinary and extraordinary expenses of the treasury.....	<u>100, 000</u>	\$5, 143, 726

Part 9.—Department of war and marine.

Minister.....	\$8, 000	
Chief clerk.....	4, 000	
Employés.....	<u>34, 040</u>	\$46, 040

STAFF DEPARTMENT.

1 general of brigade.....	\$4, 500	
2 colonels of cavalry, at \$226 20 per month.....	5, 429	
4 lieutenants of cavalry, at \$150 60 per month.....	7, 229	
2 commandants de escuadron, at \$122 40 per month....	2, 937	
4 captains of cavalry, at \$94 20 per month.....	4, 522	
8 lieutenants of cavalry, at \$50 10 per month.....	<u>4, 809</u>	29, 426

DEPARTMENT OF ENGINEERS.

1 general of brigade.....	\$4, 500	
1 first captain.....	1, 016	
1 second captain.....	804	
1 lieutenant.....	<u>558</u>	6, 878

DEPARTMENT OF ARTILLERY.

1 general of brigade.....	\$4, 500	
1 lieutenant-colonel of artillery.....	1, 807	
1 storekeeper.....	2, 400	
1 first captain of artillery.....	1, 130	
2 clerks.....	<u>1, 105</u>	10, 942

MEDICAL CORPS.

1 sub-inspector.....	\$2, 466	
1 surgeon.....	1, 469	
2 assistants, at \$45 per month.....	<u>1, 080</u>	5, 015

STAFF OF THE PRESIDENT.

1 general of brigade	\$4,500	
1 colonel of infantry	2,466	
1 colonel of cavalry	2,714	
2 lieutenant-colonels of infantry, at \$1,653	3,306	
1 lieutenant-colonel of cavalry	1,807	
1 comandante	1,469	
1 captain	803	
16 horses, at \$6 60 per month	1,267	
		\$18,332

ENGINEERS.

Staff:

4 colonels, at \$235 50 per month	\$11,304	
6 lieutenant-colonels, at \$150 60 per month	10,843	
4 first captains, at \$84 60 per month	4,061	
4 second captains, at \$66 90 per month	3,211	
4 lieutenants, at \$57 per month	2,736	
		32,155
Military college		79,676
First battalion of engineers		116,670

ARTILLERY.

General staff	6,797
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SPECIAL SCHOOLS OF ARTILLERY.

School of Mexico	9,874
3 other schools	41,226
4 brigades of artillery	444,317
6 batteries	119,678
Establishments of construction	76,120

NATIONAL MARINE.

Marine department of the north:

Captain of the port of Vera Cruz:	
1 captain of frigate	\$2,101
1 interpreter	840
1 clerk	840
1 boat and crew	2,160
Office expenses	120
	\$6,061
Captains of the port at 11 other ports in the Gulf of Mexico	19,011

Marine department of the south:

At 13 ports in the Pacific	17,241	
		42,313
Medical corps of the army and train		147,995
Battalion supremos poderes		160,550
First corps of carbineers		110,960
National invalid corps		95,334
Generals in reserve		24,992

FIRST DIVISION OF THE ARMY.

Staff:

1 general of division	\$6,000	
2 lieutenant colonels, at \$1,800	3,600	
1 comandante	1,469	
2 captains, at \$3 14 per day	2,260	
1 lieutenant	601	
Office expenses	360	
		\$14,290

Mayoria general	\$6, 010
Staff of brigade of infantry	9, 011
Mayoria de ordenes	3, 298

First battalion:

colonel	\$2, 466	
1 lieutenant-colonel	1, 652	
1 commandante	1, 468	
1 paymaster	1, 595	
1 second adjutant	695	
1 sub-adjutant	468	
8 captains, at \$2 23	6, 423	
8 lieutenants, at \$1 50	4, 320	
16 sub-lieutenants, at \$1 30	7, 488	
1 cornet major	317	
1 armorer	317	
1 corporal of cornets	180	
1 corporal of pioneers	180	
8 pioneers, at 44 cents	1, 267	
8 first sergeants, at 88 cents	2, 534	
32 sergeants, at 65 cents	7, 488	
104 corporals, at 47 cents	17, 597	
24 cornets, at 43½ cents	3, 773	
640 soldiers, at 42 cents	96, 768	
Allowances	336	
		157, 332
Second battalion		157, 332
Staff of second brigade of infantry		9, 011
Mayoria de ordenes		3, 296
Third and fourth battalions		314, 664
Staff of brigade of cavalry		9, 011
Mayori de ordenes		3, 296

First corps of cavalry:

1 colonel	\$2, 715	
1 lieutenant colonel	1, 807	
1 commandante	1, 469	
1 paymaster	1, 595	
2 adjutant sergeants, \$2 19	1, 577	
2 ensign bearers, at \$1 54	1, 109	
4 captains, at \$3 14	4, 522	
4 lieutenants, \$1 67	2, 405	
8 ensigns, \$1 54	4, 435	
1 chief trumpeter	349	
1 blacksmith	349	
1 armorer	349	
1 belt maker	349	
1 trumpet corporal	205	
1 corporal of pioneers	205	
4 pioneers, at 46 cents	662	
2 laborers, at 46 cents	331	
4 first sergeants, at 97 cents	1, 397	
16 second sergeants, at 75 cents	4, 320	
36 corporals, at 55 cents	7, 128	
8 trumpeters, at 52 cents	1, 517	
264 soldiers, at 45 cents	42, 768	
340 horses, at 22 cents	26, 922	
Allowances	228	
		108, 713
Second corps of cavalry		126, 618
		\$921, 882
Second division of the army		921, 882
Third division of the army		921, 882
Fourth division of the army		921, 882
Military command of the federal district		24, 107
Command of Vera Cruz	\$12, 605	
4 permanent companies	81, 837	
Fortress of Allua	7, 039	
		101, 481
Fortress of Perote		6, 438
Command of Tampico	\$12, 605	

4 effective companies	\$77, 713	
Fortress of Acapulco	6, 739	\$90, 318
1 permanent company	19, 949	
	<hr/>	26, 688
Command of Campeche	12, 605	
2 companies	39, 298	
	<hr/>	51, 903
Command at Mazatlan		51, 903
Command at Guaymas		51, 903
Command at Colima		26, 688
Command at La Paz		39, 298
Command at Tepic		39, 298
Command at Coatzacoalcos		26, 688
Command at Ventosa		39, 298
Command at Sisal		39, 298
Command at Matamoros		51, 903
Command at Tabasco		51, 903
Command at Isla del Carmen		39, 298
Fortress of Loreto and Guadalupe		6, 435
Depot of officers in this capital		43, 774
Depot of officers proceeding from the divisions		163, 134
Retired corps		191, 710
Pensions rehabilitated		169, 143
Pensions unimpaired		218, 097
 MATERIAL AND ARMAMENT.		
Reposition of same		587, 466
 MILITARY COLONIES.		
For their re-establishment		500, 000
Extraordinary war expenses		500, 000
		<hr/>
Total appropriations		18, 694, 438
		<hr/>

Resumé of estimate of expenditures.

Legislative corps	\$735, 360
Executive power	52, 880
Judicial power	488, 290
Department of foreign relations	124, 540
Department of government	1, 025, 080
Department of justice	380, 640
Department of fomento, (public works)	2, 292, 932
Department of treasury	5, 143, 726
Department of war	8, 450, 990
	<hr/>
Total	18, 694, 438
	<hr/>

ART. 2. The employés of the federation and of the federal district cannot receive any emolument, excess, addition of salary, or gratuity whatever for the collection of the federal revenues, beyond the salary assigned in the plant of the respective offices.

Hall of sessions of the congress of the Union, Mexico, May 30, 1868.

FRANCISCO ZARCO, *President.*

GUILLERMO VALLE, *Secretary.*
JOAQUIN M. ALCALDE, *Secretary.*

Wherefore I order that it be printed, published, circulated, and that due compliance be given to it.

PALACE OF THE GENERAL GOVERNMENT, *Mexico, June 17, 1868.*

BENITO JUAREZ.

Citizen JOSÉ M. GARMENDIA,
In charge of the Department of Treasury and Public Credit.

And I communicate the same to you for your knowledge and the consequent ends.
Independence and liberty! Mexico, June 17, 1868.

JOSÉ M. GARMENDIA.

IMPORTS IN THE STATE OF GUANAJUATO.

CONSTITUTIONAL GOVERNMENT OF THE FREE AND SOVEREIGN STATE OF GUANAJUATO—
SECTION OF TREASURY.

The citizen General Florencio Antillon, constitutional governor of the free and sovereign State of Guanajuato, to the inhabitants of the same, be it known, that the congress of the State has decreed the following:

No. 28.

The second constitutional congress of the free and sovereign State of Guanajuato decrees:

ARTICLE 1. From the 1st of July next the silver and gold that may be presented at the public assay office of the State shall pay to the treasury of the same, the first a duty of four and a half per cent. upon its value, and the second three per cent., there being included in the first the duty called "realde minería."

ART. 2. From the same date there shall be collected two per cent. upon the treasure that may be extracted from the State, in the same terms in which the duty known as circulation duty has heretofore been collected.

ART. 3. There shall continue to be collected, as a revenue of the State, the five per cent. of transfer of real estate, the duty of fifty cents per "arroba" (twenty-five pounds) upon tobacco in leaf, or sorted, that may be introduced, and one dollar upon the worked.

ART. 4. The duty upon native raw cotton within the State shall cease, and that known as the drainage duty.

ART. 5. The decree No. 10 of this honorable congress is hereby repealed; but this repeal shall not take effect until the 1st of October of the present year.

The governor will be informed of the present and will direct that it be printed, published, and circulated for its due compliance.

Dated in Guanajuato the 26th of June, 1868.

JOSE ZAMBRANO Y CONTRENAS, *President*.

JOSE BRIBIESCA SAAVEDRA, *Secretary*.

JUAN DE DIOS BELAUNZARAN, *Secretary*.

Wherefore I order that it be printed, published, and circulated for its due compliance. Palace of the government of the State in Guanajuato, June 28, 1868.

FLORENCIO ANTILLON.

FRANCISCO GARCIA, *Secretary*.

IMPOSTS IN THE STATE OF MICHOACAN.

The citizen Justo Mendoza, constitutional governor of the State of Michoacan de Campo, to all of its inhabitants be it known, that the congress of the same has decreed the following:

The Congress of Michoacan de Campo decrees:

No. 51.

ARTICLE 1. From the 1st day of July next the following imposts shall commence to be in force:

I. The duty of circulation at the rate of two per cent., which shall be caused by coined money taken from the State.

II. That of extraction, which shall be two per cent. upon the value of gold and silver in bullion, the product of the mines of the State.

III. That of consumption upon native tobacco in leaf, sorted or worked, at the rate of seventy-five cents upon each arroba (twenty-five pounds) of the first class or good, and of twenty-five cents per arroba upon that known as *Macuche* or *Mije*, estimating in both cases the gross weight.

IV. That of transfer of real estate reduced to two per cent., which shall be paid in the cases and terms fixed in the laws now in force.

ART. 2. With respect to the duty of circulation the following provisions shall be observed:

I. The payment of the impost shall be made at the place from whence the treasure leaves.

II. The simple transit by the territory of the State will not cause this duty; but to enjoy such exemption the introducers must previously justify that circumstance in the

first administration, or collection office of the revenues by which they pass in their transit through the State.

III. Nor will this impost be caused when the sum extracted does not amount to one thousand dollars.

ART. 3. The executive will dictate such provisions as may be necessary to make effective the collection of the duty of extraction on gold and silver in bullion, without the necessity of the establishment of the assay offices to which the law of the State No. 11, of the 16th of March, 1835, refers.

ART. 4. The imposts specified in article 1 will cause the fifteen per cent. additional duty in favor of primary instruction; the collection of the same remaining subject, so far as possible, to the laws and regulations in force that have been dictated with reference to both, as well as such as may be issued by the executive for the better observance of this law.

ART. 5. The defraudation of said imposts shall be punished with the penalties and in the terms that the laws have established for the defrauders of the excise.

The executive of the State will direct that the same be published, circulated, and observed.

ANGEL PADILLA, *Vice-President*.

LUIS GONZAGA GUTIERREZ, *Secretary*.

FELIX ALVA, *Secretary*.

Wherefore I order that it be printed, published, circulated, and that due compliance be given to it.

Place of the government of the State, Morelia, June 29. 1863.

JUSTO MENDOZA.

FRANCISCO W. GONZALEZ, *Secretary*.

IMPOSTS IN THE STATE OF SAN LUIS POTOSI.

The citizen Juan Bustamante, constitutional governor of the free and sovereign State of San Luis Potosi, to the inhabitants of the same, be it known:

That the honorable congress of the State has been pleased to decree the following:

No. 83.

The constitutional congress of the State has thought proper to decree the following:

ARTICLE 1. The tax on sales upon time and for cash, and upon mortgages, drafts, due-bills, promissory notes, and orders for collection, which at the rate of one-half of one per cent. was imposed by decree No. 60, will be caused in future at the rate of one and one-quarter per cent., with continuance of the exceptions to which article 2 of the said decree refers, and the following:

I. Drafts that have to be protested for non-acceptance.

II. Sales at wholesale which the proprietors of estates may make of their products, outside of the bounds of their estates, and of those made within the limits of the same, whether at wholesale or retail.

ART. 2. The dispositions of decree No. 60, not modified by the present decree, remain in force, as also the obligations imposed upon brokers, judges, and notaries, and those submitted to the syndics outside of the capital.

ART. 3. The present tax shall commence to be caused eight days from the publication of this decree for the sale of merchandize and obligations in the State, and within one month with respect to drafts from without the State.

The executive of the State will take knowledge of the present, and will cause the same to be published, circulated, and obeyed.

Dated in San Luis, the 29th of May, 1868.

MANUEL MURO, *President*.

PEDRO DIONISIO GARZA Y GARZA, *Secretary*.

ROMAN FERNANDEZ NAVA, *Secretary*.

Wherefore I order that the present decree be executed and complied with, and that all the authorities cause it to be complied with and observed, and that it be printed, published, and circulated for the consequent ends.

Palace of the government of the State of San Luis Potosi, June 2, 1868.

JUAN BUSTAMANTE.

FRANCISCO MACIAS VALADEZ, *Secretary*.

Mr. Plumb to Mr. Seward.

No. 167.]

LEGATION OF THE UNITED STATES,
City of Mexico, August 4, 1868.

SIR: With reference to the case of the seizure by the custom-house authorities at Matamoras of an amount of gold coin belonging to Dr. W. L. Hutchinson, a citizen of the United States, regarding which I am instructed in your dispatch No. 76, of the 15th ultimo, to make an investigation, and report to the department, I beg to state, that on the 12th ultimo I received from the consul at Matamoras a letter under date of the 27th of June, of which copy is inclosed herewith, to which I replied as per copy I beg also to inclose, and that I have addressed to that officer to-day a note of inquiry requesting the transmission to me of such evidence as can be furnished.

I have also noticed in the *Diario Oficial* of this government the reference to the case that will be seen in the articles and translations likewise inclosed herewith. In the latter appears what purports to be the protest made by the consul at Matamoras against the seizure of the money in question, and request for its return, and a copy of the reply of the collector at Matamoras.

I beg to call the special attention of the department to the temper and character of this reply to what appears to have been a moderate and proper protest, made by the consul of the United States in the line of his duty.

No further data is attainable by me here, and I have therefore to wait the reply of the consul to the inquiries I have addressed to him to-day.

The facts, so far as they are within my knowledge, regarding the regulations for the carrying of money from point to point within this country, are as follows:

In the interior of the republic no restriction is placed upon the right of such conveyance, and no pass is necessary.

A case, as I am informed, has lately been decided where merchants in Durango sent two hundred thousand dollars from that place to Monterey; on arriving at the gates of Monterey it was stopped, and a pass or permit demanded by the customs officials.

Not having such document, the money was seized on the charge that it was destined for the frontier for fraudulent exportation, there being an export duty on coined gold and silver. Bonds having been given, the money was released, and the case, which has been under trial for some years, has been decided in favor of the merchants, on the ground that in conveying money from one point to another, in the interior, no permit or license is necessary.

But on the coast or frontier, or going to the same, the local custom-house regulations, if not national law, appear to establish a different rule, and to there require that in carrying money above the sum necessary for immediate personal expenditures, a pass, or custom-house "guia," as it is termed, to show the legality of its destination, and to prevent clandestine exportation, shall be obtained.

I am not aware that there is any other country on the face of the globe, except, perhaps, one or two of the Spanish American States, that seeks a revenue by placing an export duty on money, or, as has been the case in this country, until the passage by the national congress of the law of estimate of federal receipts of the 27th of May last, a translation of which was transmitted to the department with my dispatch, No.

161, of the 17th ultimo, that has charged a duty upon the circulation of money.

These laws, especially the export duty on coined silver, which is now eight per cent., and on coined gold, one and one-half per cent., are the constant source of difficulties with this country, as in the recent case of the commander of the English man-of-war at Mazatlan, the affair of the steamer Danube at Vera Cruz, that of an American vessel wrecked near Matamoras, in December, 1866, and now in the present instance, and are not less unwise and injurious for Mexico, under all sound theories of finance and commerce, than they are vexatious to all engaging in business transactions here, and especially to foreigners temporarily sojourning in this country, or who may have occasion to convey funds from one point to another, along the coast or frontier, where facilities of exchange or remittance by commercial drafts do not exist.

If a custom-house permit is taken out, it is a notice which is almost the certain occasion of the person so carrying money being robbed.

If it is not taken out, the customs officials assume that the intention was to defraud the revenue by a fraudulent export, and seize and confiscate the sum carried, one-third of the amount so seized accruing to the benefit of the person furnishing information leading to the seizure.

In the case of Dr. Hutchinson, under consideration, it appears probable from the statement of the consul at Matamoras, that in proceeding, as stated, from Matamoras to Tuxpan, he either was afraid to take out a permit for the above reasons, perhaps traveling alone, or was unaware that such license was necessary. If his journey was *bona fide* as is asserted, his case is one of great hardship, and of no legitimate utility to Mexico, if there is any desire in this country to encourage foreign immigration.

On this ground, even if the local regulations at Matamoras require a permit, and Dr. Hutchinson had none, it would seem only the part of good comity for the government of Mexico to order the restitution of the money.

As to the right of the consuls of the United States to intervene for the protection of the interests of American citizens in such cases, and to protest when it may be necessary, which is denied in the very offensive communication from the collector at Matamoras to the consul of the United States at that port, a copy of which, as published in the official paper of the supreme government of this republic, I have inclosed herewith, I do not doubt the department will make such assertion in the present instance as may be necessary.

Awaiting your further instructions, I have the honor to be, very respectfully, your obedient servant,

E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Scott to Mr. Plumb.

UNITED STATES CONSULATE,
Matamoras, Mexico, June 27, 1868.

SIR: I have the honor to state to you on or about the 27th day of May last I sent a dispatch directed to you containing a statement of the seizure and illegal detention of one hundred (100) ounces of gold belonging to Dr. W. L. Hutchinson, an American citizen, whose residence is in Tuxpan, Mexico. As I have as yet received no dispatch ac-

knowledging the receipt of the same, I am apprehensive that it has not been permitted to reach you, and I see very *erroneous* statements in the newspapers in regard to the same.

I have sent a statement of the case to the Two Republics for publication; you will please give the case your consideration in justice to an American citizen, and in case my dispatch of the 27th of May has not come to hand, you can get in substance the statement of the case in the Two Republics, if they publish my letter of to-day. It is well known here by disinterested parties that Dr. Hutchinson did not attempt to evade the law, and he also made it known to his friends, some time previously to his starting for Tuxpan, that this money was to purchase land in the Tuxpan Colony and as he is a poor man, the robbery completely stops all his business.

I am, sir, very respectfully, your obedient servant,

T. W. SCOTT,
United States Consul.

Hon. E. L. PLUMB, *United States Minister, Mexico.*

[From the Two Republics, Mexico, Wednesday, July 15, 1868.]

"JUSTICE TO ALL."

We insert the communication of Mr. Thomas W. Scott, United States consul at Matamoras, with the double view of gratifying a worthy gentleman, and as an act of "justice to all," including the indefatigable and efficient American consul at the port stated:

"UNITED STATES CONSULATE,
"Heroic Matamoras, June 27, 1868.

"*Editor of the Two Republics:*

"SIR: I see in your paper of June 10th an article headed justice to all, in which you say 'Dr. Hutchinson attempted to introduce a hundred ounces in gold into Mexico without paying the duty. For that violation the funds were seized and held subject to the courts. At once the American consul protested against enforcing the law, and demanded the return of the money.' As you must have been erroneously informed, you will please allow me to correct the statement through your columns.

"In the first place the statement is incorrect, where you say Mr. 'Hutchinson attempted to introduce a hundred ounces without paying the duty.' He was only attempting to carry his money from Matamoras to Tuxpan, Mexico, (his place of residence) and was not aware that it was necessary for him to get a special permit to carry his money from one town to another in Mexico, and so soon as he was informed that it was necessary, he manifested a willingness to comply with the law. The Mexican officials did not claim at that time there were duties to be paid on the money, but he had failed to get a permit, which would have cost him twenty-five cents, and for this the money was seized, and is still held by the Mexican officials. In the second place your statement is incorrect when you say that the American consul at once protested against enforcing the law against an American sovereign. The protest was not made for several days after the seizure of said money, hoping that the matter would be settled after an investigation, and the money returned, as it was only a simple act of justice that it should be. As the Mexican officials failed to account for all the money taken, and proposed to compromise with Dr. Hutchinson by giving \$250 of his own money, providing he would sign a receipt drawn up by themselves, relinquishing all his right to the \$1,600, and obligate himself to take no further action in the case, I, having the blank receipt referred to on my desk at the time, I protested against their proceedings, a copy of which can be seen in the consulate when called for, which was sufficient evidence to me that they had not proceeded strictly according to law. They had a legal right to all of said money, or had no right to any of it. The heading of your article referred to is good, but in order to be 'just to all,' we must be correctly informed.

"I am, sir, respectfully, your obedient servant,

"THOMAS W. SCOTT,
"United States Consul."

By the above it will be seen that the \$1,600 seized by the custom-house officer at Matamoras was not attempted to be introduced into Mexico, without paying duty, as was stated in our paper of the 10th ultimo. Dr. Hutchinson was only carrying his money from Matamoras to Tuxpan, Mexico, his place of residence, without knowing that a special permit was required to carry money from one town to another in Mexico. It must be a source of great annoyance and mortification to the government to be called upon so frequently to correct the conduct of the insatiable sharks of the custom-house.

The custom-house department of the government is the only one where the subordinates seem to be endeavoring to enforce the law. In every other department of the

government there is a lamentable laxity of duty. But in the custom-house there is a zeal which carries its employes "over to the other side" of justice. Why this great difference in the different departments? The question is answered that money is the motive power, and corruption is the means employed. We are constantly in receipt of intelligence of these corrupt practices in the custom-houses. Not on the Rio Grande only, nor on the Pacific coast; but elsewhere and nearer to the fountain source of law and justice. The case at Matamoras is a clear one of corruption. The officials offer to restore \$250 out of the \$1,600, if Dr. Hutchinson will obligate himself to hush up the matter. The act of retaining the \$1,350 appears to be dishonest from the fact that the officials required "that no further action should be taken in the case." The dishonesty of the act appears only to be exceeded in the unblushing shamelessness of the perpetrators. They have no shame and care nothing for the exposure; but only demanded that they should not be prosecuted. The consul took the right ground when he assured that the officials "had a right to all of said money, or had no right to any of it;" and that they had not proceeded strictly according to law.

Mr. Plumb to Mr. Scott.

LEGATION OF THE UNITED STATES,
City of Mexico, July 13, 1868.

SIR: I have to acknowledge the receipt on the 23d ultimo of your communications of the 3d, 7th, and 11th of June, and on the 30th ultimo of that of the 17th of June, together with the documents accompanying them, respectively, all relating to the claim of J. B. de Gruy and Rosa Baca de Gruy. I have also to acknowledge the receipt on the 12th instant of your letter of the 27th ultimo, relating to the case of Dr. W. L. Hutchinson. No previous communication from you upon that subject has reached me. All of your communications have received my attention. In addition I would suggest that, if you have not already done so, it would be advisable for you to send a clear and full statement of each of these cases, with the respective documents, as of such other cases as may arise, direct to the Department of State at Washington. Such special instructions may then be sent to me as the circumstances may require.

I am, very respectfully, your obedient servant,

E. L. PLUMB.

THOMAS W. SCOTT, Esq.,
United States Consul, Matamoras.

Mr. Plumb to Mr. Scott.

LEGATION OF THE UNITED STATES,
City of Mexico, August 4, 1868.

SIR: Instructions have been sent to me from the Department of State at Washington relating to the case reported by you to the department on the 29th of June, and referred to in your communication to me of the 27th of that month, of the seizure by the custom-house authorities at Matamoras of an amount of gold coin belonging to Dr. W. L. Hutchinson, a citizen of the United States. I have therefore to request you to forward to me such evidence as can be furnished in the case and particularly upon the following points, viz:

1. As to where Dr. Hutchinson was proceeding when the money in question was seized; and as to his intention of using the same in the country or of exporting it.
2. As to the regulations in force at Matamoras regarding the carrying of money from that place to any other point within the republic, along the coast or to the interior, whether any pass or permit is required.
3. As to whether Dr. Hutchinson had such pass or permit.
4. As to the nature and amount of the penalty for carrying money without such permit.

I would further suggest that a copy of such evidence be also forwarded direct to the Department of State, if not already transmitted in accordance with the suggestion in my letter to you of the 13th ultimo.

I am, very respectfully, your obedient servant,

E. L. PLUMB.

THOMAS W. SCOTT, Esq.,
United States Consul, Matamoras.

[From the *Diario Oficial*, City of Mexico, June 10, 1868.—Translation.]

TAMAULIPAS.

An American, Dr. Hutchinson, tried to smuggle out from Matamoras to Brownsville a hundred ounces (pieces of sixteen dollars) of gold; the inspector discovered the fraud and the ounces were confiscated.

It appears that the American consul protested and asked from the custom-house authorities the return of the money. The *Observador* says that the protest is inopportune and unfounded, and recommends energetic proceedings.

The papers of Brownsville have raised a great cry about this affair, and pretend that the American government will intervene.

[From the *Diario Oficial*, City of Mexico, June 14, 1868.—Translation.]

TAMAULIPAS.

The *Observador* of Matamoras published the two following documents relative to the ounces of an American, of which our readers have already heard:

CONSULATE OF THE UNITED STATES,
Heroic Matamoras, Mexico, May 21, 1868.

[MY DEAR SIR: I have the honor to protest against the seizure and detention of one hundred ounces of Mexican gold, or \$1,600, belonging to Dr. W. L. Hutchinson, a citizen of the United States, and I respectfully request that you will be pleased immediately to return the said sum to that gentleman.]

I am, sir, very respectfully, your obedient servant,

THOMAS W. SCOTT.
United States Consul.

Señor D. PEDRO A. GALVAN,
Collector of the Maritime Custom-house of Matamoras, Mexico.

MARITIME AND FRONTIER CUSTOM-HOUSE OF MATAMORAS.

I received yesterday the communication which, under date of the 21st instant, you addressed to me. In it you protest against the seizure and detention of one hundred ounces of Mexican gold belonging to Mr. W. L. Hutchinson. You ask also that the said sum shall be immediately delivered to that gentleman. In your communication you have fallen into a slight error. There were not one hundred ounces seized, but ninety-nine. Mr. Hutchinson kept in his pocket the ounce that is lacking to complete the one hundred, according to official information that I have received. The seizure of this sum was made on the 16th instant at the gate of Puertas Verdes, which is the outlet from this city for Boca del Rio, (the mouth of the river.)

Mr. Hutchinson did not exhibit the documents with which he should have accredited the legality of the carrying of the money; it was therefore seized, and judicial proceedings have to be followed, to investigate whether the money was carried or not with the requisites prescribed by the laws, and consequently whether or not the penalty of confiscation has to be imposed. This is sufficient to show to you that I cannot take into consideration your request that the money seized should be returned, and that the judicial proceedings cannot be interrupted on account of said request.

With reference to your protest it can neither be taken into consideration by me, because the office under my charge does not admit steps of that character. I have a superior to whom I give account of my conduct; that superior is the Mexican government, to whom you can address your protests by means of your minister in Mexico.

The law which determines the nature and extent of the faculties which belong to foreign consuls in the republic is that of the 26th November, 1859. I invite you to fix your attention upon it. I also call your attention to our fiscal laws and the requisites exacted for the conveyance of treasure, and to what is provided for cases such as the present. All these laws will very clearly indicate whether the position taken by you in this affair is that which its nature requires.

With this motive I protest to you my attentive consideration.

Independence and liberty! *Heroic Matamoras, May 23, 1868.*

PEDRO A. GALVAN.

Mr. Plumb to Mr. Seward.

No. 170.]

LEGATION OF THE UNITED STATES,
City of Mexico, August 8, 1868.

SIR: I have the honor to transmit herewith copy of a telegram and of subsequent communication by mail, received from the United States commercial agent at Mazatlan, reporting that the English government had taken upon itself the adjustment of the difficulties occurred at that place, and inclosing a communication addressed to him by the commander of her Majesty's ship *Chanticleer*, stating that all restrictions placed upon the port of Mazatlan were from that day, July 20, removed.

Copy of a previous dispatch from Mr. Sisson, under date of July 6, is likewise inclosed herewith. I have also the honor to transmit herewith copies of communications I have to-day received from the English vice-consul and the consul of Prussia at Mazatlan, acknowledging those addressed to them by me on the 6th of July, of which copies were transmitted to the department with my dispatch (No. 156) of the 7th ultimo.

I am, sir, very respectfully, your obedient servant,

E. L. PLUMB.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Sisson to Mr. Plumb.

No. 2.]

CONSULATE OF THE UNITED STATES,
Mazatlan, July 6, 1868.

SIR: I have the honor to inform you that for want of time, I could not write by the extraordinary, giving you the information I wished.

On the 16th of June last, Captain Bridges, of her Majesty's ship *Chanticleer*, and his paymaster, were passing the custom-house on the way to their boat, when the latter was arrested and taken into the custom-house and searched. They found on him three hundred and sixty dollars in ounces, and about fifty dollars of change, which the paymaster said was his pocket money, (the captain and paymaster at the time protesting against the act.) The authorities kept the three hundred and sixty dollars, but gave back the pocket money. The next day the captain wrote to General Corona asking for the money to be returned. Corona wrote back in answer, as you will see by the correspondence, stating it was a matter for the courts and not for him to decide.

On the 18th the captain came on shore accompanied by one of his lieutenants, both in full uniform, and on their returning they were both stopped by a custom-house official and searched; then commenced the correspondence that is now laid before you.

The blockade is still kept up in regard to Mexican vessels, but no others. On the 27th ultimo, the United States steamers *Saranac* and *Resaca* came into port, and I immediately reported the case to the commanders; the *Saranac* leaves to-day for San Francisco, the *Resaca* remaining. I understand, but not officially, that the blockade will be kept up until the English admiral is heard from.

I have the honor to remain your obedient servant,

ISAAC SISSON,
United States Commercial Agent.

HON. EDWARD L. PLUMB,
United States Chargé d'Affaires, Mexico.

Mr. Fuhrken to Mr. Plumb.

PRUSSIAN CONSULATE,
Pto. de Mazatlan, July 17, 1868.

SIR: I have the honor to acknowledge the receipt of your communication of the 6th instant.

Please accept my most sincere thanks for the generous attention bestowed on my request.

Mr. Woolrich will recognize direct the important service you have rendered to his government.

I beg to add the expression of gratitude I personally, and the community at large, feel for the prompt and most efficacious action you took in the matter of her Britannic Majesty's ship *Chanticleer*.

I have handed your note, and the answer of the Mexican government, to Mr. Woolrich, who will communicate them to Captain Bridges when he returns.

The *Chanticleer* left us a few days ago, probably with the object to replenish her stores in San Blas. We expect her back in a few days, together with the *Cameleon*, due here since the 1st instant.

The admiral's answer may come to-morrow, by the steamer from California.

Captain Bridges, in the meanwhile, has permitted the coasting vessels to enter and leave the port.

I did not see him personally since the 18th June, but heard from him through Captain Farly of the United States steamer *Saranac*, and Commander Bradford of the United States steamer *Resaca*, who happened to touch here with their vessels.

Both are old acquaintances of mine, and we have frequently talked on the subject. They consider the insult offered Captain Bridges a very serious one, which could not be overlooked by his government. At the same time they do not consider the established blockade as legal, and I attribute it partly to their conciliatory advice that Captain Bridges has observed so much leniency of late.

With the same desire for reconciliation on the part of the Mexican government, the difficulty would be easily settled, but I fear their reluctance in giving a decisive answer, the ample field left to our authorities to build up new expedients according to their wishes, will lead to new complications and not spare us the fate of being the victims.

I have the honor to be, very respectfully, your obedient servant, the Prussian consul,
C. FUHRKEN.

Hon. E. LEE PLUMB,
United States Minister Resident, &c., &c., Mexico.

Mr. Woolrich to Mr. Plumb.

BRITISH VICE-CONSULATE,
Mazatlan, July 18, 1868.

SIR: I have the honor to acknowledge receipt of your communication of the 6th instant in reply to mine of the 23d ultimo, and beg to thank you very sincerely for the trouble and interest you have taken in the matter on which I took the liberty of addressing you.

Although the Mexican government does not seem to have given so much attention in their comments upon the gross insult offered to Commander Bridges, as upon the matter of the money taken from the paymaster of the *Chanticleer*, still, I have no doubt that in their private instructions they will have been more explicit, and have authorized General Corona to do every justice, and afford an ample satisfaction.

The blockade of the port has been merely nominal, as Commander Bridges went out to sea and allowed the Mexican vessels to leave the port, returning only this morning to his anchorage after a cruise of some eight days, in anticipation of the arrival of the San Francisco steamer, which has not yet come in sight.

I have the conviction that this question will have a pacific solution, and the satisfaction to know that your kind interference will have contributed largely towards effecting the same.

I have the honor to be, sir, your most obedient, humble servant,

C. WOOLRICH.

Hon. E. LEE PLUMB,
United States Minister Resident, &c., &c., in Mexico.

Mr. Sisson to Mr. Plumb.

[Translation.]

[Telegram dated at Mazatlan July 20, 1868; deposited at Guadalajara July 29, 1868; received in Mexico July 29.]

E. L. PLUMB, *Chargé d'Affaires, Mexico:*

The government of her Britannic Majesty has taken upon itself the duty of arranging the difficulties. The blockade is raised.

The *Chanticleer* has orders to proceed to Panama.

ISAAC SISSON,
United States Commercial Agent.

Mr. Sisson to Mr. Plumb.

No. 3.]

CONSULATE OF THE UNITED STATES,
Mazatlan, July 21, 1868.

SIR: I have the honor to inform you that your communication of July 6 was received, also the dispatches for the English and Prussian consuls, all of which were delivered according to request.

I inclose you a dispatch from the English and Prussian consuls, as also a communication directed to me from Captain Bridges, of her Majesty's ship Chanticleer.

The English consul informs me that communications have been received, stating that her Majesty's government had taken charge of the matter, and that the Chanticleer will proceed on her cruise.

I have the honor to remain, your obedient servant,

ISAAC SISSON.
United States Commercial Agent.

Hon. E. L. PLUMB,
United States Chargé d'Affaires, Mexico.

Commander Bridges to Mr. Sisson.

HER BRITANNIC MAJESTY'S SHIP CHANTICLEER,
Mazatlan, July 20, 1868.

SIR: I have the honor to inform you that all restrictions placed on the port of Mazatlan and the Mexican vessels are from this day removed. I beg to express to you my thanks for the friendly assistance you have been good enough to give, in endeavoring to bring the disputes between the Mazatlan government and myself to a satisfactory issue.

I have the honor to be, sir, your obedient servant,

W. W. BRIDGES,
Commander and Senior Officer West Coast of Mexico.

The CONSUL of the United States at Mazatlan.

Mr. Plumb to Mr. Seward.

No. 171.]

LEGATION OF THE UNITED STATES,
City of Mexico, August 12, 1868.

SIR: Under the instruction contained in your dispatch No. 75, of the 8th ultimo, relating to the outrage inflicted by Mexican authorities upon a number of citizens of the United States, at Monterey, I addressed a note on the 7th instant to this government, embodying mainly the terms of that dispatch.

A copy of the same is inclosed herewith.

I have now to transmit to the department a copy of the reply of the Mexican government, addressed to me on the 11th instant.

I have the honor to be, very respectfully, your obedient servant,
E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Plumb to Señor Azpiroz.

LEGATION OF THE UNITED STATES,
Mexico, August 7, 1868.

SIR: The Secretary of State of the United States has received from the United States consul at Monterey the depositions of the citizens of the United States who were the subjects of the late indignity at that place.

A copy of the same is inclosed herewith.

These depositions make a case in which the police and subordinate officials of the city of Monterey, acting under the direction of the secretary of the state government, committed great indignity and inexcusable outrage against the persons, rights, and sensibilities of the complainants.

While it is very manifest that the federal government of Mexico could neither have authorized nor contemplated the possibility of such an outrage, it is, at the same time equally manifest that the authorities of the State were unrestrained by any consideration of prudence or of respect for the United States.

The government and people of the United States cannot but feel deeply grieved by the outrage, unless it shall be in a satisfactory manner explained, and if not so explained, shall be properly rebuked by the government of Mexico.

I am instructed to lose no time or occasion in soliciting such redress.

I have the honor to be, very respectfully, your obedient servant,
E. L. PLUMB.

Hon. MANUEL AZPIROZ,

Chief Clerk in charge of the Department of Foreign Affairs of the Republic of Mexico.

Señor Azpiroz to Mr. Plumb

[Translation.]

DEPARTMENT OF FOREIGN RELATIONS,
Mexico, August 11, 1868.

SIR: I have received your note of the 7th instant, and the copies annexed, relating to the proceedings that were employed in the city of Monterey, on the night of the 21st of April last, with six American citizens, who were placed in the prison of that city on account of having been accused of drunkenness and disturbance.

You state in your note that the consul of the United States at Monterey had remitted to the government of the United States the depositions (copies of which are the annexes to which I have referred) of the said citizens of that republic, and that both the government and the people of the same cannot but feel deeply grieved by those proceedings, unless they shall be explained in a satisfactory manner, and if not so explained, shall be rebuked by the government of Mexico.

These desires are very just, assuming the injuries of which the said American citizens complain to have taken place, and the government of Mexico under that supposition will not delay a moment in satisfying them in conformity with the indications you make in the name of your government, immediately that it receives the official documents in this affair existing in Monterey, which it has lately asked from the governor of Nuevo Leon, directing that the same be punctually remitted by return of mail.

I am, sir, very respectfully, your obedient servant,

MANUEL AZPIROZ,
Chief Clerk.

Mr. EDWARD LEE PLUMB,

Chargé d'Affaires of the United States of America in Mexico.

Mr. Plumb to Mr. Seward.

No. 178.]

LEGATION OF THE UNITED STATES,
City of Mexico, August 21, 1868.

SIR: Under the instructions contained in your dispatch No. 65, of the 29th of May last, received by duplicate on the 13th instant, relating to the death of Mr. John Braniff, a citizen of the United States, from wounds inflicted by a band of robbers while at work upon the Puebla branch of the Mexico and Vera Cruz railway, in April last, I addressed a note to the department of foreign affairs of this government, on the 14th instant, of which I beg to transmit a copy herewith.

I have to-day received a reply, under date of the 18th instant, from Mr. Azpiroz, in charge of the department, of which I beg also to transmit a copy and translation herewith.

In this reply it is stated that as there are not in the department of

foreign affairs antecedents relative to whether the apprehension of the murderers of Mr. Braniff has been effected, the necessary information has been asked from the governors of the States of Puebla and Tlaxcala, and that when it arrives the government will direct what in justice may be required.

Mr. Azpiroz takes exception to the observation contained in my note, that cases such as that treated of are unfortunately common in Mexico, and that their frequency is no doubt owing to the comparative impunity of the offenders.

I have not thought it necessary to make any reply to his remarks under this head, unless I should receive your instructions to that effect.

I have the honor to be, very respectfully, your obedient servant,
E. L. PLUMB.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Plumb to Señor Azpiroz.

LEGATION OF THE UNITED STATES,
Mexico, August 14, 1868.

SIR: In a dispatch under date of the 29th of May last, but which only reached me yesterday, I am advised that the Department of State at Washington has been informed by Mr. Black, the vice-consul of the United States in this city, of the death of Mr. John Braniff, a citizen of the United States, from wounds inflicted by a band of robbers at a bridge on the Puebla branch of the Mexico and Vera Cruz railway, in April last.

The Secretary of State adds, that although such events may and do happen in every country, they are unfortunately common in Mexico, and their frequency is no doubt owing to the comparative impunity of the offenders.

I am instructed to bring this case to the attention of the Mexican government, and to express the expectation of the government of the United States that the government of Mexico will exert all its authority to bring the murderers of Mr. Braniff to justice.

I have the honor to be, very respectfully, your obedient servant,
E. L. PLUMB.

HON. MANUEL AZPIROZ,
Chief Clerk in charge of the Department of Foreign Affairs of the Mexican Republic.

Señor Azpiroz to Mr. Plumb.

[Translation.]

DEPARTMENT OF FOREIGN RELATIONS,
Mexico, August 18, 1868.

SIR: I received yesterday your note of the 14th of the present month, in which you have been pleased to communicate to me that you have instructions from your government to submit to the consideration of the Mexican government the case of the assassination committed by certain robbers upon the person of the citizen of the United States, Mr. John Braniff, at Santa Cruz, between Apizaco and Puebla, in the month of April last; and to state that the government of the United States expects that of Mexico will use all its authority to have the assassins delivered up to justice.

As there are not in this department antecedents relative to whether the apprehension of the murderers of Mr. Braniff has been effected, the necessary information was yesterday asked from the governors of Puebla and Tlaxcala, and when it arrives the government will direct what in justice may be required.

To this I should limit myself, if in your said note there was not found the idea that to the impunity which, up to a certain point, criminals have in Mexico, it is due, without doubt, that cases such as that treated of are more frequent in this than in other countries.

If with impartiality the circumstances of Mexico are considered—due to the war which for a long time has overthrown public order in this country, and to other causes well known to all, but beyond the volition and against the interests of the people and of the government of Mexico—neither the government nor the people of Mexico can be

blamed because robberies and assassinations are committed here; nor, in comparing these crimes with those that are found to be committed in established countries in identical circumstances with those of Mexico, can the statement be ventured that they are here more frequent.

Notorious are the efforts that the government has made and is making to completely re-establish security for the lives, the rights, and the property of all the inhabitants of the republic. These efforts have so far had the best possible results.

The malefactors apprehended are submitted to the tribunals, or exemplarily punished in the act of being caught *en flagrante*, in conformity with the laws of the country.

The constant and efficacious persecution of evil doers, and their treatment according to the laws, is very far from signifying impunity.

I am, sir, very respectfully, your obedient servant,

MANUEL AZPIROZ,
Chief Clerk.

Mr. EDWARD LEE PLUMB,
Chargé d'Affaires of the United States of America in Mexico.

Mr. Plumb to Mr. Seward.

No. 179.]

LEGATION OF THE UNITED STATES,
City of Mexico, August 22, 1868.

SIR: As presenting what may be considered the almost universal public sentiment at present existing in this country with regard to the renewal of diplomatic relations with European powers, I transmit herewith translation of an editorial article upon that subject which appeared in the leading journal of this city, the *Siglo XIX*, on the 13th instant, and bears the signature of the editor-in-chief, Mr. Francisco Zarco, formerly minister of foreign affairs under President Juarez, and lately president of congress, and now one of the most prominent members of that body, as also probably the most influential of the newspaper writers of the republic.

While this article may not altogether express the views of the government, its action may doubtless be influenced to a great extent by deference to prevailing public sentiment.

I have the honor to be, very respectfully, your obedient servant,
E. L. PLUMB.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

FOREIGN RELATIONS OF MEXICO.

[From the *Siglo XIX*, City of Mexico, August 13, 1868.—Editorial.—Translation.]

FOREIGN RELATIONS.

The republic, since its triumph over foreign usurpation, has been found deprived of all kinds of diplomatic relations with the European powers. From such situation there has not resulted any evil to the country, nor to the foreigners who reside in it. The government has been free from the pressure which the legations of Europe have always pretended to exercise, and foreigners have been favored and protected by the Mexican laws and authorities, it being noted that the insolence of those pretensions, which had for their object to create a situation superior to that of the natives of the country, and to claim indemnizations for losses originating in fortuitous cases, has diminished.

If diplomatic relations have ceased, that is to say, the relations of governments with government by means of legations, there have not been interrupted the relations between people and people, which consist in navigation and in commerce. Mexico has declared by the organ of its supreme authorities that it considers as broken the treaties which united it with all the powers that recognized the so-called empire; but it has declared,

also, that its laws protect all foreigners, and that its ports are open to the commerce of the entire world.

This conduct—dignified, prudent, and moderate—has given good results. It is true that in Europe they continue propagating calumnies against our country, but it is also true that our most bloody enemies are obliged to recognize that the government makes laudable efforts to establish regular order, that the republic in the hour of triumph has been generous and magnanimous with its enemies, and that foreigners, without excepting the French, enjoy guarantees and security.

No injury, therefore, has been caused to any one by the interruption of diplomatic relations between Mexico and the European powers, and what has occurred has demonstrated that these relations are not indispensable, either for the development of commerce or for the exchange of ideas between peoples, or for the interests of foreigners who reside in Mexico, and that at any moment they can have recourse, the same as the Mexicans, to the tribunals and other authorities.

Without the necessity of legations, a part of the foreign debt has been paid, and equitable arrangements have been made between the government and claimants in some affairs which, perhaps, treated diplomatically, would have given origin to a thousand difficulties and embarrassments.

Such a state of things has, without doubt, led public opinion in Mexico to see with absolute indifference the news which from time to time is put out with reference to the disposition in which various of the European governments are with regard to the renewal of diplomatic relations with that of the republic.

The history of these relations enables us to understand that from them we cannot expect to derive any advantage or any positive good, and that, on the other hand, they may be the cause of new conflicts and of serious difficulties. This leads it to be generally desired that the actual situation should be prolonged, notwithstanding its inconveniences and irregularities, as it is neither one of peace nor of war, and gives rise to such disagreeable incidents as those of the packet *Danube*, in Vera Cruz, and the frigate *Chanticleer*, in Mazatlan. Because this desire exists it is not to be inferred, in any manner, that Mexico is a country of Chinese or Japanese ideas; that it entertains hatred to foreigners; that it seeks to isolate itself, to deliver itself up to its own fate, and separate itself from all contact with civilized peoples. Nothing of this. Mexico, in looking with repugnance and suspicion upon diplomatic relations with Europe, because they have been to it injurious and prejudicial, desires direct relations of people with people, and offers to the foreigner the same advantages that are afforded to its own citizens, upon the condition only that they shall have the same obligations.

The Spanish American republics, upon conquering their independence by their own efforts, fell into the error of believing that they required for their existence the recognition of the great powers, as if these great powers did not have for their rule of conduct to admit accomplished events. Such recognition signifies nothing, nor is it necessary to implore it, when it has always to be the precise consequence of the maintenance of whatever nationality. The Mexican republic, in its happy restoration, has not incurred the error of its early years, and we are seeing that the republican government neither to exist nor to exercise its functions, neither for the pacification nor for the reorganization of the country, requires in any way diplomatic relations with Europe.

The foreigners who reside among us have to acknowledge, if they are sincere, that nothing is lost by not having the protection of their legations, that before exposed them to grave inconveniences.

While these legations were a constant embarrassment, and a continual difficulty for our government, they afforded no protection to foreigners, nor did they render any aid towards the improvement of their interests, or in favor of the cause of progress and civilization; but, on the contrary, violating the rules of neutrality and of public law, they allied themselves almost always with the retrograde faction, and with those who are systematically hostile to foreigners.

The French deputy, Jules Favre, had more than sufficient reason to state in full legislative corps, that the bonds of Jecker were the sole cause of the French intervention, with all its consequences. Private reclamations, speculative affairs, unjust pretensions, unfounded indemnizations, excessive brokerages, these have been the affairs with which the European legations have been occupied.

We repeat, in nothing have these legations promoted either in favor of their citizens in general, or of the cause of civilization. It is true that the governments of Europe have acted in the same manner, for when the government of Mr. Juarez sought to elevate the freedom of religion decreed by the laws of reform, to the rank of an international stipulation, giving it a place in the treaties with the governments of Europe, who make so much parade of liberalism, they did not even answer this notable initiative of the Mexican republic, which sought to place throughout the entire world freedom of conscience, under the protecting guarantee of public law.

That Mexico is in the right in considering as broken the treaties with the powers that recognized Maximilian, is an unquestionable point, since these powers treating with the usurper were those who failed in all their engagements with the Mexican nation.

This point is still more unquestionable with respect to England and Spain, who made so many protests on signing the convention of London, that it was not their intention to intervene in the affairs of Mexico, nor to change its institutions.

The decorous determination of the republic to hold the treaties as broken so long as the European powers do not ask to enter into new relations under equitable bases, it can easily be understood, has wounded in the most lively manner the susceptibilities of the foreign offices, and has occasioned vacillations in them, as to the conduct they have to observe with respect to our country. Some governments have to take care, above all, not to disgust the man of the Tuilleries, and something of this is discovered in what has passed in the court of Florence, where French influence still predominates.

For our part, we persist in the opinion that nothing, absolutely nothing, should we do to hasten the re-establishment of our diplomatic relations with Europe; that our attitude should be that of mere expectative, and that in making new treaties we should be exceedingly cautious—reject the old clause of falsely called reciprocity, and establish that foreigners in Mexico have to have the same rights and the same obligations as Mexicans.

This will not prevent that at the same time we should give the greatest freedom to the commerce of importation; that we should liberally reform our tariff; that we should make a point of national honor of hospitality and protection to all foreigners; and, in fine, that we should exert ourselves to attract to our soil an intelligent and laborious population, which we so much require to cement peace and consolidate our institutions.

Nor will this prevent Mexico from cultivating and drawing closer its good relations with the United States, in which there is not the least peril, neither for our nationality nor for the integrity of our territory. At the same time Mexico can and should promote the alliance of all the American republics against all projects of re-conquest, of invasion, or of intervention, on the part of Europe.

We have believed it convenient to enter into these considerations, now that the question of the re-establishment of diplomatic relations has become the order of the day, by the repetition of the news that the governments of Italy and of North Germany have resolved to send legations to Mexico, and that the English bondholders will treat directly with our government, without asking the diplomatic protection of the British government.

As is seen, these reports do not refer to the powers that had a responsibility in the work of the intervention—that is to say, Spain and England—and there must be much fewer difficulties in treating with the King of Italy, and, above all, with the German Confederation, which is a new political entity that has come into the world since the fall of Maximilian, and for that reason did not recognize the so-called empire.

However, with Italy and with Germany, we counsel the same precautions as with whatever other power.

This is not the moment to enlarge upon the advantages of establishing close relations with the Germanic peoples, nor of examining the situation of Europe, with respect to the United States, in order to select our friends upon the old continent.

This is a task we will undertake when we believe it opportune; but we can now declare that it appears to us the most strange and inapplicable of illusions, the idea of going in search of European alliances to avert from us perils more or less remote from the side of the United States.

What occurred in the war of Texas, it appears to us, affords us sufficient light in this respect.

In our belief, the strength of Mexico, as an independent nation, has to be derived, not from foreign alliances, but from its own political institutions, and its material progress.

The last news which has been transmitted by telegraph, and which we published day before yesterday, appears to us very satisfactory. Lord Stanley declares that for the renewal of diplomatic relations with Mexico it is necessary that the republic should take the initiative. May it be far off! Well should we abstain from taking such a step.

The French government has assigned four millions of francs for the payment of the bonds known as Franco-Mexican, after scandalous revelations made in the legislative corps. This is also very well.

We are glad this time that France is sufficiently rich to pay for its glories—the glories of the intervention and of the Jecker affair.

FRANCISCO ZARCO.

Mr. Plumb to Mr. Seward.

No. 180.]

LEGATION OF THE UNITED STATES,

City of Mexico, August 24, 1868.

SIR: With my dispatch No. 46, of the 12th of December last, I transmitted to the department copy of a law issued on the 27th of the pre-

ceding month, putting in practice the decimal system of coinage, and providing that from the 15th of September of the present year the circulation of money of the so-called imperial coinage, and of twelve and a half and six and a quarter cent pieces, should be abolished.

As of some interest to commerce, I now transmit herewith translation of an executive order published in the *Diario Oficial* of this government of the 22d instant, continuing the former coinage in circulation until further orders.

I have the honor to be, very respectfully, your obedient servant,

E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

EXECUTIVE ORDER CONTINUING IN CIRCULATION THE FORMER COIN.

[From the *Diario Oficial*, August 22, 1868.—Translation.]

DEPARTMENT OF TREASURY AND PUBLIC CREDIT.—SECTION 5.

The citizen minister, in an official note of the 15th instant, states to this department as follows:

"In reply to your attentive communication of the 11th instant, in which you have been pleased to transcribe to me that which, under date of the 5th instant, was addressed to you by the citizen governor of the State of Puebla, inquiring what he had to do to give compliance to the provisions of article 13 of the law issued by this department on the 27th of November of last year, I have the honor to state to you that although the government continues occupying itself with what relates to the arrangement of the coinage, in my opinion, it would be very convenient that by the department under your worthy charge it should be provided by circulars to the governors of the States that, until there should be published the dispositions relative to the redemption of the so-called imperial coinage, and of that which is not in conformity with the decimal system, it be directed that the circulation be continued, as until now, in order that the poorer classes of society be not prejudiced."

And I transcribe the same to you, by order of the citizen President, to the end that you make known to the inhabitants of your State (district or territory) that the coinage actually in circulation is to continue in its legal course so long as the change is not made to which the department of fomento refers.

Independence and liberty! Mexico, August 21, 1868.

ROMERO.

The Citizen GOVERNOR of the State of ———.

Mr. Seward to Mr. Rosecrans.

No. 2.]

DEPARTMENT OF STATE,
Washington, August 28, 1868.

SIR: On the 25th of June last, the United States consul at La Paz wrote to this department that the present military commander and political chief of that territory had just then issued a decree imposing a tax of eight and a half per cent. on the export of all bullion or uncoined silver, in place of the previous tax of only two and one-half per cent.

The consul writes further that the military commander declares that this proceeding was taken by order of the general government of Mexico. The consul, however, gives us no evidence in support of this statement. He writes that so heavy a tax must lead to great loss, and that it is already causing a suspension of work; that nearly one-fourth of the territory derive their support from two reducing establishments which

are in operation in the territory, being the only ones there, and both owned by citizens of the United States who have invested much capital therein.

It is the undoubted right of Mexico to levy duties upon exports as well as imports, provided that they are not levied so as to discriminate injuriously to the prejudice of the citizens or subjects of foreign countries. The custom of friendly nations allows any one who suffers inconvenience by revenue legislation to make a representation of that inconvenience.

You will, therefore, after entering upon the duties of your mission, seek a convenient opportunity to converse informally with the minister of foreign affairs upon the subject indicated.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM S. ROSECRANS, Esq., &c., &c., &c.

Mr. Seward to Mr. Plumb.

No. 95.]

DEPARTMENT OF STATE,

Washington, August 31, 1868.

SIR: I have to acknowledge the receipt of your dispatch of July 11, 1868, No. 159, inclosing a copy of a communication from the Mexican government relating to the attempted organization in the United States of expeditions hostile to the peace of Mexico.

Your proceedings in the premises are approved.

Long prior to the receipt of your dispatch, the attention of this government having been drawn to the organization to which it refers, prompt and it is believed effectual measures were taken for their suppression and the maintenance of our laws for the preservation of neutrality. You will inform the Mexican government of this fact, of which it has probably already been apprised by the report of its agents in this country.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

EDWARD L. PLUMB, Esq., &c., &c., &c.

Mr. Seward to Mr. Plumb.

No. 96.]

DEPARTMENT OF STATE,

Washington, September 1, 1868.

SIR: I have received your dispatch of the 4th of August, No. 167, which treats of a complaint in the case of Dr. Hutchinson. It appears by that statement that the regulations of the revenue service in Mexico require that persons who are transporting in the interior a larger amount of money than is reasonably necessary for traveling purposes shall secure a custom-house permit. It further appears that this regulation has been adopted as a security against a clandestine exportation of coin, and that coin transported without such a permit is liable to forfeiture. Dr. Hutchinson, having neglected to procure such a permit, sixteen hundred dollars in coin, which he had while traveling, was seized by the revenue officers, and judicial proceedings were instituted for its confiscation. The regulation is one which it is competent for the Mexican gov-

ernment to make, and the proceedings seem thus far to be regular. If there shall be ground for diplomatic remonstrance on the occasion, that ground does not yet appear, nor can it become available until after the judicial proceedings shall be closed and the whole matter shall become a subject for review.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

EDWARD L. PLUMB, Esq., &c., &c., &c.

Mr. Plumb to Mr. Seward.

No. 183.]

LEGATION OF THE UNITED STATES,

City of Mexico, September 11, 1868.

SIR: With my dispatch No. 150, of the 30th of June last, I transmitted to the department translation of proceedings had in the Mexican congress just prior to the close of the last session in the impeachment of the governor of the State of Jalisco.

Under the Mexican constitution such proceedings have two instances. First, congress, acting as a grand jury, declares the guilt or innocence of the accused; and secondly, the supreme court, acting as a jury of sentence, as it is termed, pronounces the penalty.

In the present case congress declared the culpability of the governor of Jalisco. This declaration, under the constitution, works what is held by some to be a suspension from office, and by others to be a permanent removal.

In the present case another feature was introduced by the fact that as yet no law has been framed establishing the penalties in the cases of official responsibility.

Under these circumstances the supreme court, on the 22d of last month, pronounced a decision in this case.

It declares the verdict of congress to have involved only a suspension from office, and by the suspension already experienced the governor of Jalisco to have been purged from his offense, and places him at liberty and restores him to office.

This action has naturally given great satisfaction to the friends of the governor of Jalisco, while it is a severe disappointment to those who favored the action taken in this matter by congress.

As illustrating the course of proceedings in such cases in this country, I beg to transmit a translation of the decision referred to, herewith.

I have the honor to be, very respectfully, your obedient servant,

E. L. PLUMB.

HON. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

DECISION OF THE SUPREME COURT IN THE CASE OF THE GOVERNOR OF THE STATE OF JALISCO, IMPEACHED BY THE NATIONAL CONGRESS.

[From the *Diario Oficial*, Mexico, August 29, 1868.—Translation.]

SUPREME COURT OF JUSTICE OF THE NATION.

In the city of Mexico, this 23d day of August, 1868, being met in the hall of sessions of the supreme court of justice of the United Mexican States, the citizens Chief Justice Lerdo de Tejada, Justices Riva Palacio, Lafragua, Ordaz, Cardoza, Castillo Velasco,

Guzman, Valasquez, Zavala, and Garcia Ramirez, and Prosecuting Attorney General Guzman, for the purpose of acting as a jury of sentence to pronounce the corresponding decision in the cause instituted against Don José Antonio Gomez Cuervo, constitutional governor of the State of Jalisco, for not having respected the order of the district judge of Guadalajara, that declared open the proceedings of *amparo*, (protection,) and ordered the suspension of the execution of five criminals, which act was deemed culpable by the congress of the Union, erected in jury of accusation, as there was therein involved an infraction of the law of the 30th of November, 1861, and of the constitution. The record of the proceedings in the case having been read in public audience; having been heard the opinion of the prosecuting attorney, (fiscal,) which concludes asking that the supreme court of justice declare that the governor of Jalisco, Don José Antonio Gomez Cuervo, has not incurred penalty whatever, there being no law which designates the same, and that in equity he should be held to be compurged with the time that has passed of suspension from his office, in consequence of the verdict of culpability; the allegation of the accusers, citizens Apolonio Angulo and Silviano Moreno, in which, without fixing the penalty merited by the offender, they insist in manifesting that the separation ordered by article 105 of the constitution involves a formal destitution from office; the defense of the accused, by his counsel, the citizen Alfonso Lancaster Jones, opposing the arguments of the accusers, and asking that it be declared that the accused has not incurred any penalty for lack of a special law of responsibility, or that he be considered sufficiently punished by the suffering already experienced; having been seen the record of the proceedings, with all else that has been presented and that has relation to the cause.

Considering, in so far as relates to the understanding that should be given to the words "shall be immediately separated from said office," which are used in article 105 of the constitution—

First, that the argument that is alleged, that from the said words a true destitution is to be understood, which consists in that the design of the constituent congress of 1857 was to establish in the republic the impeachment trials of the United States of the North, is not exact, as it appears from the history of the said congress that the project was rejected.

Second, that the idea adopted for trials of responsibility was that of the citizen deputy Marcelino Castañeda, and from his remarks it appears that the first trial only works the suspension of the functionary until the termination of the proceedings.

Third, that these proceedings being intrusted to two juries, the one of fact and the other of sentence, and destitution being evidently a penalty, it cannot be decreed by the judges of the fact.

And fourth, that whatever may have been the design of the legislators, there is no legal motive to alter the signification of the words used in article 105, and particularly when in the preceding article the same words are used to signify solely the suspension of the accused, as has been understood and recognized by all without the natural sense of the same having been placed in doubt.

Considering, in so far as relates to the penalty which should be imposed upon the accused—

First, that the jury is found under the precise obligation of pronouncing a condemnatory sentence, admitting the declaration of culpability made by the congress of the Union erected in grand jury, and the disposition that it made of the criminal.

Second, that the examination being concluded and the proceedings terminated, it is indispensable to fix the condition of the criminal by a definitive sentence, the court proceeding with the authority given to it by the constitution and conformably to law, as to leave uncertain the status of the person prosecuted for an indefinite time, perhaps without termination, would be the most unjust violation of the constitutional guarantees.

Third, that in the proceedings there appear circumstances proved which very greatly extenuate the offense, and which any ordinary judge should take into consideration, and still more a jury, by the very nature of its institution.

Fourth, that these circumstances attenuate in such a manner the culpability that they have influenced the minds of the jury to impose a minimum penalty.

And, fifth, that no special law having been issued regulating official offenses and fixing the penalties.

The jury having in consideration the reasons expressed, decrees—

First, the separation of Don José Antonio Gomez Cuerva from his office by virtue of the verdict of the congress of the Union, only implies the suspension from office until the penalty should be imposed by the jury of sentence.

Second, Señor Gomez Cuervo is to be held compurged with the time that has elapsed of suspension from office, and the other sufferings experienced. In consequence he shall remain in absolute liberty, and be replaced in his office of constitutional governor of the State of Jalisco.

Third, let certified copies of this decision be remitted to the congress of the Union, returning to it the papers in the case, to the government of the Union, and to the gov-

ernment of the State of Jalisco, for their knowledge; and to the district judge of Guadalajara, that it be notified to the citizen Gomez Cuervo, and that the bail which has been given be ordered to be canceled.

Let it be known and published. So was accorded by a majority of the votes of the citizen magistrates who form the jury of sentence, and they signed.

S. LERDO DE TEJADA.
VICENTE RIVA PALACIO.
J. M. LAFRAGUA.
P. ORDAZ.
JOAQUIN CARDOZO.
J. M. DEL CASTILLO.
VELASCO S. GUZMAN.
LUIS VELASQUEZ.
M. ZAMLA.
JOSÉ GARCIA RAMIROZ.
LEON GUZMAN.
LUIS MARIA AGUILAR,
Secretary.

MEXICO, August 26, 1868.

LUIS MARIA AGUILAR.

A true copy:

Mr. Plumb to Mr. Seward.

No. 184.]

LEGATION OF THE UNITED STATES,
City of Mexico, September 10, 1868.

SIR: The efforts of this government to put an end to the insurrections that have occurred in various parts of the republic since the outbreak in Yucatan in December last, appear to have been signally successful.

Near the close of last month the forces under General Alatorre effected the complete suppression of the rebellion in the sierra of the State of Puebla, with which General Negrete and the remnant of his followers had united.

A short time before, the forces under the orders of General Escobedo put an end to the revolt in the sierra of the State of Queretaro.

Aureliano Rivera, who pronounced in the sierra of Ajusco, in this State, has not been heard of since the first few weeks of his movement when forces were sent against him, and appears to have altogether disappeared.

Recent risings in the State of Vera Cruz have also quickly been suppressed.

The differences in the State of Guerrero appear finally to have been adjusted, and a general election has now been called in that State.

The insurrection in the State of Sinaloa, under Martinez, was quickly put down by the federal forces under General Corona; and thus, so far, in every instance success has attended the arms and the measures of the government, until it may now be stated that at no period since the accession of President Juarez to the chief magistracy, in February, 1858, has the whole country been under such entire acquiescence in the rule of the constitutional government, and the measures of reform put in practice by the constitutional party, as it is to-day.

The military forces and the civil employés of the federal government are now regularly and promptly paid.

This may be one of the important causes of the improved state of affairs; but I think it must also be acknowledged that the people generally throughout the republic are showing a greater unwillingness to look quietly upon, or to permit a resort to unauthorized armed movements as a means of redress for local or federal grievances, and are more

clearly seeing that there are sufficient and surer remedies by peaceful means through the press, the tribune, and the ballot.

It is too early yet safely to assert that the round of pronunciamientos may not again be recommenced, or that legislative differences may not occur to mar the present favorable prospects; but it must be admitted that there are hopeful signs that a greater degree of tranquillity will be maintained hereafter.

The condition of general insecurity for life and property throughout the country continues to be most undesirable, but the government manifests a determination to now turn its attention to that necessity, as its most important work.

President Juarez has expressed to me his personal assurances under this head, and unquestionably feels the most earnest desire to accomplish what is so vitally demanded in this regard.

His confidence in the future of his country appears not only to be unabated but strengthened; and he sees perhaps more clearly than many how important an element time is in the difficult task of giving to Mexico, under all the disadvantages the past has left as its legacy, a durable peace, order, and progress.

There appears to be also on the part of the government, and of their public men generally, an increasing appreciation of the necessity of giving an impulse to the material interests of the country.

Should the coming session of their congress meet the public expectation and the promises of its leading members, and the government use the initiative it can in this regard, a great improvement in the state of affairs here cannot but take place.

In this point of view the proximate session is looked upon as of critical importance. Employment, to keep the people from the necessity of crime and revolt, is a vital requirement of their present situation.

A useful document, which is at the same time an encouraging sign, has recently appeared in the shape of a manifesto from General Gonzalez Ortega, issued shortly after his recent unconditional release from confinement.

In this paper he relinquishes any claim he may have been supposed to have to the executive office or to the presidency of the supreme court, and admits the necessity as well as propriety of accepting the existing order.

His constitutional term as Vice-President expired on the 31st of May last, and that office is now filled by Mr. Lerdo de Tejada, but the manifesto of General Ortega is useful as showing the convictions and expressing the advice of one who was the only claimant of the position President Juarez occupies.

I beg to inclose a translation of this document herewith.

I have the honor to be, very respectfully, your obedient servant,

E. L. PLUMB.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

MANIFESTO OF GENERAL GONZALEZ ORTEGA.

[From the Diario Oficial, city of Mexico, September 1, 1868.—Translation.]

The citizen Jesus Gonzalez Ortega to the Mexican nation.

Useless it appears to me to make here a statement of the occurrences that, relative to my person with the character of President of one of the supreme powers of the Mexi-

can federation, have taken place before and after the decrees of the 8th of November were issued, and before and during the time of my imprisonment, because the circumstances of all these events appear in official documents and papers that have been published.

It remains to me, therefore, only to say a few words to my fellow-citizens as the sincere voice of my heart and of my head, as the intimate expression of my conscience, as the result of the liberty in which I now find myself, and after profound meditations in view of accomplished events, and in the presence of imprescindable measures which are exacted by the interests of the country and the peace of the republic.

On the 1st of the present month there was transcribed to me the communication of the general government, dated the 18th of July last, in which it was ordered that I should be placed at liberty, to the end that I might reside at the place that I might myself select.

As in the said note the supposed offenses were insisted upon, of flight and abandonment perpetrated by the general and by the president of the supreme court of justice, I had to return the note, asking only in a verbal manner, if, notwithstanding that step that the honor of the nation obliged me to take, I could make use of the liberty that was offered to me, to which I believed myself entitled, as, without motive whatever, I had been deprived of it; and an affirmative answer having been returned to me, I have removed to the capital of the State of Coahuila. I had thought of proceeding, in order to issue this manifesto, to some other capital of the more central States of the republic, but accidental causes have prevented me from realizing my purpose.

Placed at liberty, possessed already of my rights, and consequently of the faculty to emit my thoughts and to speak to the nation in compliance with the duty imposed upon me, the first that I have done has been to direct a retrospective view in order to examine the past with relation to the present, and another view to the actual situation in order to examine in the present the events to which the same past now has given an authority.

The order of things actually established is an accomplished event which rests in the most grave and vast interests. The legislatures, the tribunals of justice, and the governments of all the States of the republic being installed, the councils of all the municipalities of the same States being elected; the congress of the Union having been in session; the supreme court of justice of the republic exercising its functions, no voice has been raised protesting in the name of the people against the violation of law, against the decrees of the 8th of November, against the imprisonment of the president of the supreme court of justice, and if there have been some isolated voices with reference to this latter event, and they have been heard in congress, they have become silent soon after without result whatever.

Nearly all of the eminent men of the liberal party are forming or have formed part of the actual administration. The legislatures of some of the States have graced medals, have emitted votes of thanks and issued titles of well-deserving in favor of the author of the decrees of the 8th of November, and all without distinction have called legitimate government, constitutional government, that of which the head is the author of those same decrees; titles which have also been given in the press and the tribune by many of the democratic notabilities.

The author of the said decrees being accused by me before the national representation, the latter has not been willing to occupy itself with this affair and has seen with indifference, the same as all the authorities of the nation, the imprisonment of the president of the supreme court of justice, and by mandate of the law, President *ad interim* of the republic.

The men who, with myself, have raised the voice to defend the immunities of the law, some early, some later, and some at the last hour, have disappeared to form a part of the actual administration, or to recognize it tacitly or expressly.

No one do I accuse before the present or before history. I state facts, whose causes, perhaps grave and patriotic, I am still ignorant of, and I state them because those same facts not only authorize it, but reclaim in the name of the country the course that I am going to adopt.

I have remained, therefore, alone, absolutely alone, and without other support than that which a tranquil conscience affords when, in its judgment, a painful and difficult duty has been fulfilled.

To that same conscience I have addressed these inquiries, not once but many times. In the midst of this general abandonment common to all men and to all peoples, in view of so many interests created by a power tolerated by the people, under constitutional and democratic forms or appearances, and which interests cannot be destroyed except among rivers of blood, in the presence of grave diplomatic complications between Mexico and powerful nations, is it desirable, is it just, is it patriotic to put forward my individuality, by the official character which I have, as a constant menace to the public peace and tranquillity?

Is it desirable, is it just, is it patriotic to retain titles in the name of the people when that same people have not desired to save them nor even to recognize them, not-

withstanding there are established, legally or illegally, all the democratic organs by means of which they could have caused their rights to have been enforced, or at least their voice to have been heard?

Is it just, is it patriotic, is it desirable to retain titles which the law has given, when the violation of the law is an event consummated or tolerated by the nation itself, and when their retention, under the present circumstances, might bring civil war, the only means that the representation of the people has left to save them, a war which would put an end, perhaps, to the Mexican nationality?

The voice of the passions silenced, conscience has answered these inquiries in the negative.

All of them involve a political problem; and of the present, whose prompt solution the epoch exacts, the interests of the republic reclaim, and to which I am led by my political position, passed events, and the affection without limits that I have for my country. One of two extremes I have to touch in order to give this solution—to launch with the law in my hand, into civil war, or to abdicate in a patriotic and sincere manner the titles with which the nation has invested me.

Between these two extremes I have not vacillated for a moment in accepting the latter, and much more when this acceptance is imposed upon me by the reasons before stated, and is not indirectly exacted from me in the darkness of a prison.

I separate myself, therefore, from the constitutional titles and powers with which I have been invested by the vote of the people and the precepts of the law; whether as constitutional president of the supreme court of justice, or as President ad interim of the republic, I renounce them, and I return them complete and without spot to that same people, when so it is required by the force of past and present events and the peace of the nation.

In returning to the obscurity of private life, accompanied by the calmness and tranquillity of my conscience after a prolonged and stormy struggle, I have no embarrassment in order to remove all pretext for civil war, in recognizing, as I recognize, with my character of simple citizen, the authorities and functionaries actually established, to the end that under the shadow of the existing order, the patriotism of good Mexicans can secure the peace, the liberty, the progress, and the well-being of our exhausted republic.

No unpatriotic caprice, no ignoble and unfounded ambition, has led me to defend, with the force of truth and of reason and not with the force of arms, the isolated cause on the side of which I have been found until to-day.

I have defended with loyalty what, by my oath, I was required to do. The fulfillment of my obligations I have believed absolutely necessary to the national honor. Besides, I have always felt in the depths of my conscience that I have defended the best of causes. I abdicate it when the entire nation so exactly by means of a multitude of events which it has sanctioned. In abdicating it I have adopted the measure which is most in harmony with the public interests.

Upright, patriotic, and disinterested have been my intentions; upright, patriotic, and disinterested they are to-day. May the God of the universe, who knows my sincerity, grant that they shall contribute to the happiness of the dear land that has given me birth.

I should blush before myself if any ignoble passion should remain in my heart; if in it there should be given place to any low and base resentment against men and against events, and still more should I be ashamed when I know that the torrent of the latter almost always bears the former forward by unexpected, unknown, and even involuntary ways.

Mexicans, I swear to you before God, in addressing to you the fullness of my last official word, no sacrifice will I omit, not even that of going to seek an asylum and a tomb in a foreign land, if this shall be necessary, in order that there shall be realized the prayers that I make to-day for the peace of Mexico; no sacrifice is there that I will shun, if from this sacrifice shall result to my country honor and prestige at home, honor and prestige before the enlightened peoples of the world, honor and prestige in the present, and honor and prestige before history.

SALTILLO, August 19, 1868.

JESUS GONZALEZ ORTEGA.

Mr. Plumb to Mr. Seward.

No. 186.]

LEGATION OF THE UNITED STATES,
City of Mexico, September 12, 1868.

SIR: A renewed application having been made by President Juarez to the supreme court for leave for Mr. Lerdo de Tejada—since the 31st

of May last the chief justice and Vice-President of the republic—to continue in the cabinet as minister of foreign relations, such permission, in reverse of the action of the court on the 5th of June last, which caused the retirement of Mr. Lerdo from the cabinet, has now been granted, and yesterday that gentleman again assumed the charge of the department which for so long a period previously had been under his control.

The usual official notice was addressed to me by Mr. Lerdo yesterday, and I have to-day replied in such terms as I have thought proper to the occasion.

A copy and translation of Mr. Lerdo's note is transmitted herewith, as also copy of my reply.

I have the honor to be, very respectfully, your obedient servant,
E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Señor Lerdo de Tejada to Mr. Plumb.

[Translation.]

MEXICO, September 11, 1868.

SIR: have the honor to inform you that the President of the republic having been pleased to appoint me minister of foreign relations, I have taken charge to-day of that department.

It is very satisfactory to me to assure you that I will always have the greatest desire to cultivate the most friendly and cordial relations with the legation of the United States of America, of which you are very worthily in charge.

I am, sir, with the greatest consideration, very respectfully, your obedient servant,
S. LERDO DE TEJADA.

Mr. EDWARD LEE PLUMB,
Chargé d'Affaires of the United States of America in Mexico.

Mr. Plumb to Señor Lerdo de Tejada.

LEGATION OF THE UNITED STATES,
Mexico, September 12, 1868.

SIR: I have the honor to acknowledge the receipt of your excellency's note of yesterday, informing me that the President of the republic having been pleased to appoint your excellency minister of foreign relations, you had that day taken charge of that department.

Your excellency has also been pleased to assure me of the great desire you will always have to cultivate the most cordial and friendly relations with the legation of the United States.

It is with very great satisfaction that I have learned that your excellency has resumed the direction of the department which, for so extended a period previously, had been under your excellency's able and worthy charge, and I am assured I shall correctly represent the sentiments of the government of the United States in expressing the conviction that in the future, as in the years that have passed, the relations between our two republics cannot but be drawn more and more closely together in the ties of peace, friendship, and mutual commerce, under the enlightened efforts that your excellency will make, and toward which common and desired end, I am confident you feel certain, no effort on my own part will ever be wanting.

Availing myself of this occasion, with great pleasure, to renew to your excellency the assurances of my most distinguished consideration and particular esteem, I have the honor to be your most obedient servant,

E. L. PLUMB.

His Excellency Señor D. SEBASTIAN LERDO DE TEJADA,
Minister of Foreign Relations of the Republic of Mexico.

Mr. Seward to Mr. Plumb.

No. 98.]

DEPARTMENT OF STATE,
Washington, September 17, 1868.

SIR: I have received your dispatch of the 12th of August, No. 171.

I entirely approve of the letter which, on the 7th of August, you addressed to the Mexican minister for foreign affairs on the subject of the recent ill treatment of citizens of the United States at Monterey, by the authorities of that place.

The prompt and just reply of Mr. Azpiroz is satisfactory at the present stage of the proceeding. The development will be awaited with much interest.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

EDWARD L. PLUMB, Esq., &c., &c., &c.

Mr. Seward to Mr. Plumb.

No. 99.]

DEPARTMENT OF STATE,
Washington, September 17, 1868.

SIR: I have received your dispatch of the 21st of August, No. 178, which relates to the death of Mr. John Braniff, a citizen of the United States, of wounds inflicted by a band of robbers, while at work on the Mexico and Vera Cruz railway.

Your proceeding is approved, and the engagement which the Mexican government has made to investigate the complaint, and its assurance that upon such investigation the government will direct what justice may require, is entirely satisfactory.

In my dispatch No. 65, I did, indeed, say, in connection with this case, "that though such events may and do happen in every foreign country, they are unfortunately common in Mexico, and their frequency is no doubt owing to the comparative impunity of the offenders."

The Mexican minister seems to except to this remark. When writing that dispatch I was not forgetful of the civil war through which Mexico has so recently passed, and the strenuous efforts of the new government to restore peace and order throughout the republic. I think that no nation has showed itself more just and liberal, under those circumstances, to the Mexican authorities than the United States. It is the earnest desire of this government that mutual confidence may exist between the people of the two republics. The Mexican government cannot be unaware that very sedulous efforts are made by its enemies in the present hour of its trial to destroy this confidence on the part of the American people. The fact that murders and robberies are frequently committed on the public highways of the country, notwithstanding the efforts of the Mexican government to prevent and punish them, is a weapon in the hands of those enemies of which I earnestly desire to disarm them.

It is both natural and right in itself that the people of the United States should be disturbed and excited by reiterated complaints of wrong, indignity, and injustice to their fellow citizens in Mexico as in other foreign countries. I seek to bring this painful fact to the attention of the Mexican government.

With this explanation I trust that the remark to which the Mexican

minister for foreign affairs refers will not be regarded as having been made in a spirit either unfriendly or unjust towards Mexico.

You may read this dispatch to the minister for foreign affairs and give him a copy of the same, if he shall desire it.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

EDWARD L. PLUMB, Esq., &c., &c., &c.

Mr. Plumb to Mr. Seward.

No. 190.]

LEGATION OF THE UNITED STATES,
City of Mexico, September 18, 1868.

SIR: The fourth constitutional congress of Mexico opened the third period of its ordinary sessions on the 16th instant. I have the honor to transmit to the department herewith, translations of the discourses pronounced by the President of the republic and the president of congress on that occasion.

The 16th of September is the anniversary of the proclamation of Mexican independence, and is the day appointed by the constitution for the opening of the first period of the regular annual sessions of congress.

On no previous occasion, however, since the adoption of the constitution of 1857, has the session been opened on that day either a want of promptness in the attendance of members has delayed the opening, or war has prevented their assembling.

But this year, on the 5th instant, the day designated by the permanent deputation for the commencement of their customary preparatory sessions, for the purpose of organization, a quorum was already present in the capital, and for the first time the annual session has been commenced on the day designated by the constitution.

In the discourses pronounced on this occasion, no allusion whatever is made to the foreign relations of the republic. It was anticipated that some reference would have been made to the conventions recently concluded with the United States, but they are not mentioned.

The address of President Juarez gives an authoritative, interesting, and encouraging account of the political situation of the country; and that of the president of congress indicates harmony between the legislative and executive powers.

The opposition to the administration in congress, it is reported, has been diminished in numbers during the recess by the course of events, and it is hoped that its character may now be less violent.

The question of the material interests of the country appears, also, on all sides to be receiving more attention, and a very general hope seems to be entertained that the labors of the present session may be productive of some positive progress in this regard.

I have the honor to be, very respectfully, your obedient servant,
E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

OPENING OF THE MEXICAN CONGRESS, SEPTEMBER 16, 1868.

Speeches of the President of the republic and of the president of congress.

[From the *Diario Oficial*, Mexico, September 16, 1868.—Translation.]

SPEECH OF PRESIDENT JUAREZ.

CITIZEN DEPUTIES: I congratulate you with great satisfaction upon seeing you again assembled together to discharge your high functions.

Without any of the obstructions of past times, which have rendered it difficult for the representatives of the people to come from remote points, you have commenced this new period of your labors upon the precise day designated by the fundamental code.

Since the adoption of the constitution, for the first time has there been united on this day two great motives of public rejoicing, and of flattering hopes for the future.

We, to-day, jointly celebrate the anniversary of the proclamation of independence, affirmed by the triumph in a foreign war, and the new meeting of congress, which demonstrates the consolidation of the republic, and the tranquil and regular march of our institutions.

At the conclusion of the previous period of the sessions of congress, the campaign in the sierra of Puebla, to repress those who had there rebelled against the functionaries of the State, was pending.

For some time the executive employed prudential measures without avail, having in the end to aid efficaciously the authorities of the State in compliance with its constitutional duty.

This revolt was promptly suppressed, with the same success with which before had been combated those that had occurred in other States against the local authorities.

These disturbances have been but few, and less than what was to have been feared after a civil and foreign war, that so profoundly and for so long a time had commoved the nation.

Now there only exists a band, few in number, that has recently revolted in Tamaulipas against the local government, and that cannot occasion any serious danger in that State, where peace is assured by sufficient forces of the federation.

All of the States now enjoy the constitutional regimen. The difficulties that existed in Guerrero having been adjusted, the people have been convoked that they may, with full liberty, hold the special elections of the State.

Tepic is still continued as a military district by reason of its special circumstances; but it is to be hoped that they will very soon permit that congress should occupy itself with this affair, in order to determine what it may judge convenient.

If the valor and loyalty of the military forces of the Union, which have repressed the late revolts, merits just eulogiums, combating as worthy republican soldiers, it is also just to observe that they have been efficaciously aided by the good spirit of the people.

With great reason should we felicitate ourselves in view of the energetic and unanimous aspiration of all of the people of the republic to maintain peace and to enjoy its benefits under the protection of the constitution and the laws.

Under these auspices we may be confident that no difficulty will distract the attention of congress from its important labors in issuing the laws that are required by various branches of the public administration.

The government will co-operate towards this end by means of various initiatives.

It will present one with reference to the protection of individual guarantees, and another with reference to the establishment of juries in the federal district for all criminal trials.

Another is being prepared with reference to public instruction, and another with reference to the courts of appeal in military trials.

With the earnest desire that our legislation may be soon improved, the commissions charged with the formation of projects of civil and commercial codes have been reorganized and are laboring actively.

The commission charged with the project of the criminal code has continued and is very far advanced in its labors.

An initiative will be presented with reference to reforms in the ordinances for the mints, and another is being prepared with reference to the ordinances for public surveys.

The government has received already two of the mints which were rented, having for some time had the determination to make now new leases and to terminate those existing as fast as their stipulations will permit.

With respect to the new routes of communication decreed by congress, the necessary surveys have already been made, and work upon them will very shortly be commenced.

The necessity of promoting and of stimulating material improvements, by all possible means, being so fully recognized, congress, in this important subject, will meet with the most zealous and efficacious co-operation of the general government.

Attending to the condition of some of the tax-payers who have been unable to meet the extraordinary imposts which were decreed by the general-in-chief of the army of the east, on account of the circumstances in which they were placed before the termination of the operations of the war, the government will present the initiative proposing that the payment of what remains due shall be made with recognized credits of the public debt.

The payment of all the branches of the administration has continued to be made with entire regularity, and in conformity with the law of appropriations.

Immediately that the latter commenced to be in force, all special funds ceased, according to the provisions made by congress.

In the new organization of the corps of the military divisions, difficulties have occurred in its immediate execution, a portion of the forces being occupied in the campaign of the sierra of Puebla, and others disseminated at great distances. However, it has been directed that it be proceeded with, with all possible dispatch, holding in reserve the initiation to congress of the modifications that may be judged necessary, and without any expenditure having been made above the sum approved in the appropriation law, which the government has taken care, and will take care, shall be exactly complied with.

The people that have defended with their blood our free institutions have imposed upon the public authorities the constant and sacred duty of faithfully observing the constitution and the laws, which assure the rights and the guarantees of the citizens, and are a sure pledge of the peace and the progress of society.

Receive, citizen deputies, the wishes that I offer for the success of your deliberations, in which I have no doubt you will continue to seek the highest good and prosperity of the republic.

SPEECH OF THE PRESIDENT OF CONGRESS, MR. JUSTINO FERNANDEZ.

CITIZEN PRESIDENT: The congress of the Union, after a period of legal recess, has returned to meet again to-day, as the day designated by the constitution, to continue its legislative labors, and exercise the important attributes of its elevated charge; this august ceremony of the solemn inauguration of its sessions coming to crown the festivity of the day consecrated to the memory of the glories of the country and those of its greatest and most illustrious sons who have known how to sacrifice themselves in its behalf.

The solicitous diligence and strict punctuality with which, to a large number and from all of the States of the federation, their representatives have repaired hither to take part in the deliberations of the period now to commence, furnishes a new proof that republican institutions are firmly established among us, that such alone are the institutions desired by the people, and that in them alone the nation finds its hopes of social reorganization and of well being and of prosperity; and also furnishes a sure presage that the citizen deputies, animated by the same patriotic zeal and laborious activity as in the previous period of sessions, will consecrate themselves in this to comply fully with the duties of their honorable commission, with entire dedication to the same, and guided always by the highest aspirations for the public good.

Grand, immense, and difficult in the extreme is the task that in the present period of sessions congress has to discharge. Innumerable are the affairs with which it should occupy itself, and varied and complicated the subjects to which they have relation.

Without indulging the hope that all the work intrusted to its charge will be fully finished, confidence may be entertained that the important and grave affairs which remained to be discussed from the previous period, and which only for want of time could not be submitted to its deliberation, will now be the object of preferential attention.

Such are the projects with reference to organic laws without which it is not possible for the constitutional system which governs us regularly and perfectly to perform its functions, or that the public liberties can be preserved or individual guarantees be assured.

Such are those that refer to the maintenance and consolidation of peace and the establishment of personal security; as is for the first that which will determine the condition and fate of those unfortunate Mexicans who offended their country, lending aid or their services to the intervention or to the empire; and for the second that which will determine the proceedings of the trial and the penalties with which highway-robbers and kidnappers shall be tried and sentenced, that horrible leprosy of evil, implanted among the most atrocious of the criminals by foreign adventurers who have mixed in our civil dissensions.

Such are various projects with reference to railroads, especially that which proposes to unite this capital with Vera Cruz, and that which will establish the general basis and conditions under which concessions may be made in the future to *empresarios* who shall undertake them; for these improvements open a wide field to labor, and upon them depends very directly the well-being of a multitude of persons, and they will contribute to the greatness and prosperity of the republic.

Such are also various projects which propose to encourage and protect commerce and industry, mining and agriculture, which it is to be desired should be treated of at the same time in order to provide that all these branches of wealth shall prosper and be developed equally, and that they be placed in the most perfect harmony the one with the other.

Such are, in fine, various others of greater or less importance the enumeration of which would be tiresome, and which will be taken into consideration in the turn which belongs to them, or with the preference which may be accorded.

Congress will also occupy itself with the very important initiatives which have just been indicated by the citizen President, and with all that may be brought before it in the course of its sessions.

In this respect congress should express how satisfactory it is to it that the government makes use of the constitutional faculty of initiating new laws, or asking the repeal or reform of those in force.

This faculty, exercised with a profound knowledge of what may prejudice or promote the public good, is one of the most solid and sure guarantees of good administrative order.

Happily congress can dedicate itself to the discharge of its arduous and difficult labors with the calmness and tranquillity which are so necessary to deliberative bodies, in order that their labors may be fruitful and their resolutions always bear the seal of the most clear and strict justice. So at least this assembly is led to hope, by the exposition which you have just made, citizen President, of the orderly manner in which the affairs of the republic progress.

You have assured us that peace is re-established in all its territory; that in it the constitutional system rules; that the appropriation law has been strictly observed in all the branches of the administration; that the payments of the treasury have been made with the greatest punctuality; that a considerable amount of the public debt has been redeemed; that the labors are prosecuted with zeal in opening the new routes of communication decreed at the last period of sessions, and in repairing the old; and that, in fine, there are already prepared many initiatives whose sole enumeration with reference to what they embrace demonstrates the great and decided desire which the government entertains to improve the administration of public affairs and place it on a level with the civilization and the requirements of our society.

All this is highly satisfactory; all this contains guarantees of good success for the future; and all this, in fine, demonstrates unequivocally that there is morality in the administration, and a true and enlightened patriotism on the part of those who direct the public affairs.

For this congress expresses its sincere congratulations, and it offers the most ardent wishes that the most complete harmony may be maintained among the powers of the Union, in order that they may thus be dedicated to the consolidation of peace in all of the republic.

This assembly confidently expects that the government will dedicate all its efforts, and place in action all the preventive and repressive means of which it can dispose, to preserve and consolidate this peace, conquered at such a cost, and which is the most inestimable good which is now hoped to be enjoyed by all the inhabitants of the Mexican republic, as without it there cannot be security or tranquillity, and all progress and well-being is impossible.

The national representation, the faithful interpreter of the desires and aspirations of the people, believes that it satisfies them, making this energetic recommendation to the government, and offering it at the same time its most firm and efficacious co-operation.

With positive satisfaction is accepted, citizen President, the offer which you have made, to faithfully guard the constitution, and comply with the precepts of the law.

This programme, strictly observed, will be, it cannot be doubted, the bond of liberal union, and the flag under which there will cluster at the side of the government all those who profess progressive principles and desire the advancement of our society, and the glory and grandeur of the republic.

Mr. Plumb to Mr. Secard.

No. 192.]

LEGATION OF THE UNITED STATES,
City of Mexico, September 21, 1868.

SIR: On the 16th instant Mr. Mariscal, late chargé d'affaires in the United States, who since the 17th of June last has occupied the position of minister of justice and public instruction in the cabinet of Pres-

ident Juarez, retired from that position, and took his seat in congress in consequence of his election as a member of that body.

On the 17th instant, a communication was addressed to congress by the minister of foreign relations in the name of the President, asking that license be conceded for Mr. Mariscal to return to the charge of the department of justice, and for Mr. José Maria Iglesias, minister of treasury for a long period prior to the entry of Mr. Romero into that department, and since a deputy in congress, to take charge of the department of government, recently vacated by the resignation of Mr. Vallarta.

On the following day the desired leave was granted in both cases by congress, without discussion, and on the 19th instant these gentlemen entered upon the charge of their respective departments.

With the return of Mr. Lerdo de Tejada to the department of foreign relations, the entrance of Mr. Iglesias into that of government, and the continuance of Mr. Mariscal in that of justice, the cabinet of President Juarez is again complete, Mr. Romero remaining as minister of treasury, General Mejia as minister of war, and Mr. Balcarcel as minister of fomento.

All of these gentlemen are old and tried personal friends of President Juarez, and most of them have been long associated with him, and while the charge is urged, by the opposition, of partiality and exclusivism in the selection of ministers, the cabinet will have the great advantage of a perfect knowledge of late affairs, and entire unity of action.

The administration is also believed to have a large working majority in congress.

The late proceedings of the supreme court in granting leave to Mr. Lerdo de Tejada to continue in the cabinet, referred to in my dispatch No. 186, of the 12th instant, having been published in the *Diario Oficial* on the 19th instant, I am enabled to transmit a translation of the same herewith, as a matter of interest from the novelty of this incident as compared with the practice in the United States.

I have the honor to be, very respectfully, your obedient servant,
E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

THE QUESTION OF GRANTING LEAVE TO THE PRESIDENT OF THE SUPREME COURT OF JUSTICE TO REMAIN IN THE CABINET OF PRESIDENT JUAREZ.

[From the *Diario Oficial*, September 19, 1868.—Translation.]

SUPREME COURT OF JUSTICE OF THE NATION.

Minutes of the 9th of September, 1868.

Present, the citizens Riva Palacio, who presided; Lafragua, Ordaz, Cardozo, Guzman (Simon) Velasquez, Zavala, Garcia Ramirez, Attorney General Altamirano, and Solicitor General Guzman, (Leon.)

The preceding minutes having been approved, the following communication from the section of chancellaria of the department of relations was taken into consideration, which, word for word, is as follows:

"Peace having been re-established in the republic, the government has the important duty of consolidating it, and to comply with this requires the co-operation of the persons who, as ministers of state, have taken part in the carrying out of its action, which has so far produced happy results.

"Besides, the government will, in many cases, have to inform the congress of the Union in its proximate sessions of the antecedents of public affairs, particularly of those relating to foreign affairs; and to do this with the promptness and correctness that is

due, it deems it desirable that there should serve as its organs the persons who have assisted as heads of departments during the period of the war against the foreign intervention.

"In view of the foregoing considerations the citizen President of the republic has thought proper to determine upon insisting in asking the leave that is required for the citizen Sebastian Lerdo de Tejada to separate from the functions of president of the supreme court of justice, in order to take charge again of the portfolio of foreign relations.

"In compliance with this determination I have the honor to address you the present note, begging that you will be pleased to give account of its contents to the supreme court for the effect indicated.

"Independence and liberty! Mexico, September 7, 1868.

"MANUEL AZPIROZ, *Chief Clerk.*

"The Citizen JUSTICE, *temporarily presiding, of the Supreme Court of Justice, present.*"

The presiding officer directed that the preceding communication should be placed in discussion.

The citizen Solicitor General Leon Guzman proposed that the discussion be suspended until the citizen justices who are not present at the session of to-day be cited to attend.

This motion being placed in discussion was rejected, there voting in favor of it the citizens Solicitor General Leon Guzman, Attorney General Altamirano, Simon Guzman, and Cardozo; and against it the citizens Garcia Ramirez, Zavola, Velasquez, Ordaz, Lafragua, and Riva Palacio, the motion therefore being lost.

The vote was then proceeded with upon the question whether the license should be conceded; and there voted in the affirmative the citizens Garcia Ramirez, Zavola, Velasquez, Castillo Velasco, who, not being present, sent his vote in writing, Ordaz, Lafragua, and Riva Palacio; and in the negative the citizens Solicitor General Leon Guzman, Attorney General Altamirano, Simon Guzman, and Cardozo; it therefore being accorded that the license should be conceded.

The citizen Leon Guzman, in giving his vote, stated that he desired that the reasons should appear upon which he based it, and he expressed the same in the following terms:

"The leave that is solicited, asked by the citizen President of the republic, it would, perhaps, be necessary to concede, as it is asked by a very elevated source, and the person whose license is solicited is to dedicate himself to the public service; but it should also be considered that if it is the will of the citizen President that Mr. Lerdo should aid his government in one of the departments, the will of the people and that of the national congress has been that Mr. Lerdo should act as president of the court. As between these two desires that of the people has the preference, my vote is that leave be not granted to Mr. Lerdo de Tejada."

In the order when the vote of the citizen Castillo Velasco was to be accorded, who, not attending in person, sent his vote in writing, the same was read, and it having been accorded that it should appear upon the record, it is here inserted, as follows:

"When some time since I refused, for my part, the leave to Mr. Lerdo, which was solicited by the executive, that he might separate from the supreme court of justice, and take charge of the department of foreign relations, I was led to vote in this sense by the idea that the separation of Mr. Lerdo from the government being effected a change of cabinet would take place, and with it a change in the policy of the government, which, according to my humble opinion, being based in exclusivism and in the idea of the infallibility of power, enervated the progress of the country, and impeded its advancement.

"But neither a change in the cabinet nor in policy occurred, and, under these circumstances, I believe that, to insist upon my refusal of the license which is again solicited by the government would not now have any other significance than a repulse merely personal to Mr. Lerdo, and it does not enter into my thoughts to attack individuals, but only principles.

"I have followed and shall continue to follow those of the opposition, because I do not agree with their practical application made by those politicians who proclaim equally the government, and those that in practice dissent from its mode of judgment; but I understand that in the exercise of the functions of the magistracy there are not the necessary means to obtain from the executive the modifications that public opinion, with which I accord, believes to be just, and that this belongs to the congress of the Union; because, in truth, to refuse leave to a magistrate when it is seen that such refusal produces no practical result, and cannot influence in the formation of the cabinet, as can be done by congress, is to accept the disagreeable part of the affair without benefit to the republic.

"It is for these reasons that, deploring as I do deplore the continuance of a policy with which I disagree, I have desired to omit this vote in writing in order that it should be manifested with the disinterestedness and loyalty which no one can deny to me, because I have never been wanting to those qualities.

"The vote in favor of leave to Mr. Lerdo is interpreted as a separation from the opposition, in which I am so long as I consider it just, and this is absurd; or as the result of a bribery which only can be believed by those who are capable of receiving it, and with respect to myself, those who do not know the pride of my poverty and the immovable firmness of my political beliefs, of which I have given proofs.

"The vote against the license is interpreted either as the expression of personal ill will, which in no case do I desire should be attributed to me, or as the inert expression of a despite I do not feel, for with respect to myself personally, it is indifferent whether one citizen or another governs, as I always hold myself aloof even from the residences of those in power.

"Under these circumstances, and assuming that the policy has not been changed on account of Mr. Lerdo having left the department of relations, that the court has no determined legal influence to obtain a change of cabinet; and that the only recourse that it might exercise has much that is offensive and nothing of efficacy for the desired object of a change of policy; I have no difficulty in conceding the leave that is solicited by the government, and I vote in this sense.

"MEXICO, September 9, 1868.

"J. M. DEL CASTILLO VELASCO."

On the motion of the citizen solicitor general, it was accorded that it should appear in the minutes that the citizen Ogazon gave notice to the secretary, in order that it might be transmitted to the tribunal, that he could not be present at the session.

On motion of the citizen Riva Palacio, it was resolved that it should appear in these minutes that the citizen justices who have not been present at the session of to-day, had knowledge that in this session the question was to be treated of conceding or not the license asked by the executive of the union for the citizen Lerdo de Tejada to return to the charge of the department of foreign affairs.

In consequence of the vote with reference to the conceding of the license, it was accorded with reference to the communication remitted by the section of chancery of the department of relations, in the following terms:

"Let it be answered that the license is conceded."

MEXICO, September 10, 1868.

A true copy, which I certify.

LUIS MARIA AGUILAR,
Secretary.

Mr. Plumb to Mr. Seward.

No. 193.]

LEGATION OF THE UNITED STATES,
City of Mexico, September 25, 1868.

SIR: I beg to inclose to the department herewith a copy of the *Diario Oficial* of this government, of yesterday, in which certain late documents are published, from which it appears that the ex-General Santa Anna has established a military headquarters in Havana, and is seeking to prepare from there military expeditions against Mexico, proceeding both directly to Vera Cruz and by way of the United States, proposing to avail for his purposes of a transit through the United States to the Rio Grande frontier, and the use there of our territory as a point of departure.

While all of these projects of Santa Anna are now of utterly impossible realization, they are yet the means of mischief, and are an international annoyance, inasmuch as deluded Americans may be drawn into such schemes to their subsequent peril, and the authorities on our frontier are required to maintain a constant vigilance in order to prevent the departure of any such expeditions from our territory.

In this point of view it would seem that there should be a limit to the extent to which the Spanish port of Havana can with propriety be used as an asylum for persons engaged in such movements, and much less for the establishment there of their military headquarters.

I do not doubt that the department, on receiving these documents,

will take such action in the premises as the circumstances of the case in its judgment may require.

I have the honor to be, very respectfully, your obedient servant,
E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[From the Diario Oficial, City of Mexico, September 24, 1868.—Translation.]

CONSPIRACY OF ANTONIO LOPEZ DE SANTA ANNA, IN HAVANA, AGAINST
THE MEXICAN REPUBLIC.

[Editorial remarks.]

We publish to-day the documents relating to the conspiracy of Santa Anna and other traitors, now residing at Havana, in the Island of Cuba.

The government attaches little importance to those machinations, for it is ready to meet all such schemes; but it thinks proper to make the facts known. The conspirators boast that they are aided by the Spanish authorities in Cuba. Whether this be true or not, the presumption is that the authorities there connive at the conspiracy, otherwise we cannot understand how military preparations can go on, for such purposes, without being known to the police, that find out everything. The publications of to-day will show what truth there is in the pretended neutrality of the Spanish authorities in Cuba.

DEPARTMENT OF STATE, OFFICE OF WAR AND MARINE.

I, Pablo Lopez, notary, certify the following documents in the suit against Cosme Padilla.

Letter of A. Taboada, Santa Anna's quartermaster general, to Colonel Cosme Padilla.

"QUARTERS OF THE GENERAL-IN-CHIEF OF THE MEXICAN ARMY OF RESTORATION,
"Havana, Cuba, August 21, 1868.

"I have the pleasure of sending you the commission of colonel of infantry, conferred upon you by his serene highness, in the belief that you will be useful to the nation. I am also instructed to advise you to go by the first vessel to Vera Cruz, and take all the men you can get to go with you, engaged as laborers for the railroad. Be careful how you land, and bid the men keep silence. As you are a man of sound experience, I will give you no advice. If you need aid in Vera Cruz, apply to Honorato Dominguez and José Prieto, and tell them the general-in-chief has the utmost confidence in them. All who engage in this meritorious work will be well rewarded. His serene highness will make all things right when he arrives in Vera Cruz. Whoever heads the movement shall be commander of Vera Cruz.

"God preserve you. Yours, &c.,

"A. TABOADA."

Second letter of Antonio Taboada to Cosme Padilla.

"HAVANA, August 22, 1868.

"COLONEL: His serene highness instructs you, on entering Vera Cruz, to call a meeting of the principal merchants, and ask a loan of one hundred thousand dollars of them, to be sent here in a special steamer. You will inform those men who thus contribute, that they will be well paid when the new order of things is established; but that General Santa Anna must show his presence in Vera Cruz immediately, to attend in person to the great plan of national independence, and the establishment of an enlightened and paternal government.

"You are also authorized to form a board of finance, to take charge of the public funds, and repay the loan of one hundred thousand dollars. We have determined upon this work of social regeneration, and we will accomplish it at the risk of our lives.

"Act with moderation and justice, and preserve strict discipline among your subordinates. Our motto must be, *protection to persons and property*, as the only assurance

to a people who have never enjoyed the rights common to other civilized nations, though they have been promised by all political parties for more than half a century.

"As commander-in-chief of the eastern army, you will collect all the forces of the department and hoist the banner of independence in the heroic city of Vera Cruz.

"Do not neglect to inform our fellow-countrymen of the infamous treason attempted by the notorious Matias Romero, in the name of Benito Juarez, by offering to sell to the government of the United States, our mortal enemy, our four rich departments of the north, to be paid for by a Yankee protectorate, pledged to sustain Juarez in power, and by assuming the debts of Mexico to foreign nations.

"This fact is evidenced by a letter from Romero to a member of the cabinet at Washington, which I have seen.

"We expect much from your loyalty and patriotism in the execution of this important mission.

"Yours, &c.,

"A. TABOADA."

Proclamation of General Taboada to the people of Mexico.

MEXICANS: The powerful hand of that invisible Being who rules the destinies of nations has called me from the seclusion in which I had resolved to live, to intrust me with a mission that is as great as it is dangerous. Believing it an inspiration from above, I undertake this great, imminent, and sacred task—the regeneration of a people on the verge of an abyss, into which they might fall and disappear from the map of free and civilized nations.

Yes, Mexicans, the hand of God guides me; otherwise my insignificance, my little merit, my obscure name, and my humble position would have made me shrink from the difficulties and dangers of the perilous situation in which our unfortunate country is at present placed.

Do not judge of my advent upon your shores, my fellow-countrymen, with your hearts still bleeding from the wounds of your political misfortunes; but judge me with your consciences, in reason and in truth. Measure my actions with the meter of justice; look back upon the half-century history of your sanguinary civil wars; and then cast your glances upon the future that is offered to your sight. Do not rank me among revolutionists, nor class me with the representatives of any political party; neither think that rash ambition urges me to take up arms again for the acquisition of power, so frequently contended for by many political parties. This vain struggle for political power is the true cause of all our sorrows. No, my countrymen, it is a greater ambition, more noble, more holy, that calls me once more among you, to lead you to the field of honor, of duty, and of patriotism. Do not decide against me yet; but wait for the progress of events, the development of ideas yet unrealized; then judge me, and take the destiny of your country in your own hands.

Our present most urgent duty is to find a remedy for the many ills that afflict our dying body politic; to put a barrier to the destruction that threatens us; to arrest the demoralization that is fast leading us to barbarism; to restore the empire of law, justice, religion, and public order; to assure protection to natives and to foreigners; to preserve the precious legacy bequeathed to us by our heroic ancestors, and sealed with their blood, and which we have not held in just integrity.

Can this end be gained without union, fraternity, and harmony? Is there a single Mexican, however obstinate, who will not waive past grudges, private interests, and personal ambition, when his country calls him, in the plaintive tones of a loving mother, who wails the outrages of her own children, and is almost ready to succumb? Is there a single son of the soil who would hesitate to give up a passing power for the salvation of his native land? Is not the painful experience of near fifty years of continued revolutions, with shameless destruction of life and property, enough to make us halt, reflect, and join together in one last effort for the salvation of our country?

What can we expect from our eternal discord? What can the triumph of any party or any candidate for place and power offer, when sustained solely by the bayonet, and not by the free and spontaneous will of the nation, that cannot be heard amid the clangor of arms, however loudly the voice may be sounded?

Beautiful theories, fallacious promises, high-sounding phrases, full of patriotism, unmeaning plans, proclamations filled with national fervor, glorious deeds of bloody strife, brilliant antecedents, great merits for high positions, everlasting hopes—such are the records in the annals of our terrible history ever since the social emancipation of Mexico—ever since our independence. And what have we accomplished? What have we done in our fifty and three years of independent existence? We have torn up our constitutions, lacerated the vitals of our country, and proved to the world that we are not worthy of independence; our pen has written falsehoods, and our words are not worthy of belief; there is no respect shown us, for our acts have belied our promises, and we have no more right to credit from abroad; we have shown that we are incapable of self-government, and other nations, stronger than we are, have arrogated to

themselves the right to absorb us, and thus put an end to our own scandal exhibited before the world, and to benefit themselves by the untold wealth that God has hidden in our privileged soil, and which we have misused to our own destruction and ruin.

This, my deluded countrymen, is the lamentable picture of independent Mexico! this the history of our political existence! this the vision of our future!

Will you continue in this ruinous career? Will you again shed your brothers' blood in contest for a power that belongs to none of you, for the nation gives it to no one man? Do you not feel humiliated by the contempt of Europe, and even of your brothers of the Western Continent—the country of Columbus? Do you not dread the maledictions of your unborn children, who will have no country; the ghosts of your fathers that will rise from their tombs to curse you with their malisons?

But there is yet time, O my countrymen, to save ourselves and regain the esteem of civilized nations, for I believe that the last sentiment of honor and patriotism has not yet been extinguished in your breasts. I believe the breath of life still stirs in the bosom of a community that was almost dead, and religious faith inspires me with hopes of salvation, if we will only rally round the sacred banner, which, though torn to tatters, still waves over the fragments of our unhappy land, and calls us to defend it with all our former gallantry. Yes, that blessed banner, borne by our revered ancestors in their struggles to make us independent, may once more wave, by our united efforts, upon the battlements of the palace of the Montezumas.

Let all Mexicans of courage, honor, and true patriotism assemble now; hasten, all of you, to the call of your country, now made through me; lay down your arms and organize your government by force of speech; forget your rancors, and for once give up your personal interests; cast away the assassin's dagger, and extinguish the incendiary torch but lately in your hands, and resume the implements of agriculture, the tools of trade, the industry of commerce, the profits of science, and you may be sure you will regain your freedom, enjoy the security that every ruler has promised and none has given, and when peace is once more secured, you may easily elevate your country to the pinnacle of glory, power, and grandeur.

ANTONIO TABOADA.

Another proclamation, not signed:

TO ARMS, MEXICANS!

The work of Juarez is about to be consummated; the loss of your independence is almost accomplished; your nationality cannot survive your political demise.

Romero's journey to the United States is now known; all the papers of the neighboring republic confirm the terrible truth, and begin to discover the sad perspective of your future. Will you cowardly yield, without a single struggle for your salvation? Will you patiently bear the heavy chain, fashioned for your limbs in the political forge of the white house, by that infamous party that assumes the appellation of *liberal*?

What a terrible destiny! A nation of eight millions of inhabitants, that would be invincible if united, allows itself to be sold to its mortal enemies by a minority faction that ought to be smothered by national indignation, and buried forever in the abyss of its own crimes. Unhappy country of Montezuma and Iturbide! Most precious gem in the continent of Columbus! What curse of God has been breathed upon you to make your children pollute your virgin soil, and deliver it without pity to the terrible eagle that spreads its watchful wings above you, and soars in anxious expectation that its ready talons will soon hold you in their grasp.

Shame upon such people! Eight millions of Mexicans are beholding in criminal indolence the malicious machinations of a few traitors who have usurped the supreme power, to rob you of your social and political existence, while one million of Paraguayans are astonishing the world by their heroic efforts to preserve the inheritance of their ancestors. Where are your Hídalgos, Iturbides, and Guerreros? Your Osollos, Miramones, and Mejías? Alas, we will not invoke their illustrious names, lest they arise from their tombs, and beholding our shame, lie down again to their eternal sleep, and repent that the first three gave us a country, and the last three poured out their blood to save it for us.

The name of Mexico, once beloved and respected by the whole world, because it was believed we Mexicans knew how to be independent, and would place our country in the rank to which it rightly belongs, is now the scorn and execration of all the nations of the earth. None consider us worthy of being free, and we are abandoned to our sad destiny. If there are any brave Mexicans left, they will hang their heads in deep humility at the aspect of this sad reality.

Is that sublime sentiment of patriotism, which ennobles and encourages nations, and which is the only thing that can save us now—is that feeling extinct in your bosoms? Do you not dread the dominion of a race so different from yours, its rule over the land that gave you birth, to its dictation even in your families, and that is sworn to your extermination? Will you suffer this grand legacy, sealed by your fathers' precious

blood, to be taken from you, and your children left without a country, roaming like wandering Jews over the face of the earth? Will you allow the star spangled banner to intrude once more, to be hoisted again over the palace of your ancestors, *there to wave forever?* Will you let your lovely land, the sun of the New World, be transformed into a single solitary pallid planet to light a small corner of an invading banner, *the flag of your conquerors?*

No, my countrymen! arouse yourselves from this sad sleep of lethargy in which you have dozed for nearly half a century, and meditate a moment on your sad situation and your hopeful future, and I am sure you will stop your eternal party contests and join in defense of your beloved country. Arm yourselves, and with the banner of Iquala for your standard, march to the chastisement of traitors, and fortify your independence by the organization of a strong and durable, enlightened, and paternal government.

The contemptible beings, the spurious Mexicans that have scattered gore and mourning and ruin over the country, and now rule over you, are the same souls that now seek to keep the supreme power in their hands, by asking *protection* of our bitter enemies of the north, and offering in exchange for it, our richest departments on the north frontier, *so that we may have the honor of becoming their slaves.*

There is no mistake about this terrible reality, my friends; read the northern papers and you will find it out; then call Juarez and Romero to an account, and heed these words of warning addressed to you by a fellow-countryman, who has spent many drops of his blood for the good of his country, and whose sole ambition now is to die in defense of its independence.

To arms, then, Mexicans! The auspicious moment has arrived! The country calls you to defend it against a common enemy. Leave your homes, quit your firesides, forget all ancient animosities, and join in concert for the restoration of your liberties, so that you may deserve the right of reconstruction according to the suggestions of your free will.

Let us, then, shout for Mexican independence, for union and harmony, for peace, and real progress!

A TRUE MEXICAN.

NOTE.—The flourish appended to the above proclamation appears to be that of Taboada.

MEXICO, *September 21, 1868.*

Instructions from Santa Anna to General Bosque.

1. As soon as General Bosque occupies one or more towns in Mexico, he will promulgate the following plan *without alteration*, in a solemn manner, and will furnish the partisans of public order with means to make demonstrations of patriotism, such as acts favoring the plan, &c.

2. He will endeavor to make the revolution popular and acceptable to the people, and in harmony with their legitimate interests.

3. He will always bear in mind that the *chief object* of this revolution is *to restore order*, thus differing from the depredating revolutions, called liberal, that looked to party and personal gain, and disturbed order, morals, and justice.

4. He will also endeavor to make the revolution general, so as to insure its definite success.

5. When the cities are occupied, he will appoint competent civil, military, and political authorities to conduct their administration.

6. He will see that such authorities are subject to the imperial laws now in force, in political and civil cases; and in others, he will act according to his good judgment.

7. General Antonio Taboada will be recognized as my representative, in all cases, for the good of the nation.

8. He will give a report of his orders, and of the progress of the revolution, addressed to me at my temporary residence here, or wherever I may be.

ANTONIO LOPEZ DE SANTA ANNA.

HAVANA, *September, 1868.*

The Plan, or Constitution.

Whereas the constitution of 1857, now observed by the nation, is impracticable, because it takes away all power from the chief executive, when energy and unity of action are necessary to suppress revolutions that have disturbed the country for forty-seven years;

And said constitution deprives individuals and corporations of political rights, while it proclaims the most advanced principles of equality, liberty, and religious toleration;

And it caused the revolution of 1858, and the empire of 1863, and the usurpation of Juarez in 1867;

And whereas Benito Juarez had no right to extend his administration after the 30th of November, 1865, thus violating the constitution he had sworn to support ;

And the present political and social situation of the nation is intolerable, as it operates against the religion of our fathers, and puts Mexico in enmity to all civilized nations, reducing the country to isolation and barbarism ;

Whereas the nation ought to have a chief of merit and known antecedents, who can lead it back into the paths of rectitude and justice ;

And whereas that person ought to be Antonio Lopez de Santa Anna, the well-deserving hero of his country, who achieved its independence :

Therefore, we, the undersigned, have determined to proclaim the following political plan, and to call on the nation to adopt it :

ARTICLE 1. We hereby disavow the constitution of 1857 as the fundamental law of the Mexican nation, and order that it cease to be accepted wherever the present plan is adopted.

ART. 2. All public power for the preservation of order and the administration of justice shall be exercised by the general-in-chief of the army of restoration, wherever this plan prevails.

ART. 3. Chiefs who approve of this plan and are willing to support it, shall act as delegates of the general-in-chief, in their respective localities, for the purpose of enforcing this plan.

ART. 4. The well-deserving General Antonio Lopez de Santa Anna is proclaimed general-in-chief, and a copy of this instrument shall be sent to him, wherever he may be, hoping he will accept the place offered.

ART. 5. When the capital of the nation is occupied by the army of restoration, and the general-in-chief has established his headquarters there, all local commanders shall be subject to his orders, and shall acknowledge him as supreme chief and common center.

ART. 6. So soon as the general-in-chief thinks proper, he will renew the intercourse with foreign nations, but not allow them to disturb the independence and integrity of the nation.

ART. 7. Five years after the restoration of peace, or sooner, if the general-in-chief thinks proper, a convention of the people shall be called for the purpose of forming a constitution.

ART. 8. When that constitution is promulgated, the discretionary powers conferred upon General Santa Anna shall cease.

The preceding documents were intercepted at Matamoras, sent to Monterey, and thence transmitted to the city of Mexico, on the 14th September, 1868, by General Geronimo Treviño.

Mr. Seward to Mr. Plumb.

No. 105.]

DEPARTMENT OF STATE,

Washington, September 30, 1868.

SIR : I give you herewith a copy of a note which has been received by me from the Secretary of the Treasury, in relation to existence on the Mexican bank of the Rio Grande of a belt of country which is free from import duties on commerce. This condition of things the Secretary of the Treasury thinks cannot be beneficial to Mexico while it is injurious to the revenue system of the United States. This subject will be far better understood at Mexico than it can be here. It is not our right to require Mexico to modify her tariff laws for our convenience ; nevertheless it is the custom among friendly nations to give respectful attention to suggestions mutually made of that character. You may confer with the minister of foreign affairs on that subject.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

EDWARD L. PLUMB, Esq., &c., &c., &c.

Mr. McCulloch to Mr. Seward.

TREASURY DEPARTMENT, *September 26, 1868.*

SIR: I have the honor to transmit herewith a copy of a communication dated the 21st instant, from Mr. Samuel A. Beldon, of Brownsville, Texas, in reference to the existence on the Mexican side of the river Rio Grande of a belt of country which is free to commerce.

It is alleged by Mr. Beldon, and it has also been represented to the department through other sources, that by reason of the existence of such free belt of country, the loss to the revenue by means of smuggling is immense and continually increasing, and that it seriously affects the growth and prosperity of that portion of the United States which borders on the Rio Grande.

In view of these representations, it is respectfully suggested whether it would not be advisable to bring to the notice of the Mexican authorities the exemption of that section of country lying in the immediate proximity to the United States, from customs, duties, and exactions which, so far as I am advised, are enforced throughout the residue of the republic, thus inviting importation of merchandise with a view to its introduction into the United States without the payment of duty, and imposing a heavy expense on the United States government for the protection of the revenue on that frontier, without any corresponding benefit to Mexico, that I can perceive, which would justify a measure so injurious to a neighboring and friendly power.

I am, very respectfully,

H. McCULLOCH,
Secretary of the Treasury.

HON. WILLIAM H. SEWARD,
Secretary of State.

Mr. Beldon to Mr. McCulloch.

WASHINGTON CITY, D. C., *September 21, 1868.*

SIR: Some time in the year 1857 or 1858 the governor of the State of Tamaulipas, Mexico, issued a decree authorizing the merchants and citizens, inhabiting the strip of territory embraced in the portion of the State extending from the mouth of the Rio Grande to its furthest boundary, and from the river inland for two leagues, to introduce, free of duty, merchandise of all classes.

This is known as the *zona libre*, (free belt,) and the decree of the governor was in operation for three years before it was ratified by the general government, and is in full force at this time, notwithstanding the protests of the cities of Tampico and Vera Cruz against it as partial and unjust. The government was not in a condition to refuse any demand of the frontier, because of the heroic defenses which the inhabitants had made against Carvajal and other raiders. The merchandise introduced under this decree is required to pay duties only when exported from the *zona libre* to the interior of Mexico, or to the United States side of the Rio Grande, and its effect has been most disastrous to the commerce of the city of Brownsville, and other towns on our side of the Rio Grande, as well as to the revenue of the United States. No argument is required to prove this, nor can there be any doubt that it is the cause of the immense amount of contraband trade upon the frontier, the inducements to which are irresistible to such as are willing to engage in it, particularly in liquors and foreign merchandise, which can be purchased at Matamoras at a very small advance over the foreign cost, and their introduction into the United States at some point in an extended frontier of upwards of nine hundred miles cannot be prevented.

Prior to the existence of this decree the amount of merchandise in the United States bonded warehouses at Brazos de Santiago and Brownsville ranged from one to three millions of dollars, but since that period the trade has dwindled to such a point that the custom-house there, instead of being a means of revenue, is an expense to the United States.

For the removal of this incubus upon the trade of the citizens of our frontier, they are without power, but think that the relations which have existed between the governments of Mexico and the United States, since the passage of the decree, will justify prompt action on the part of the United States to terminate so flagrant an injustice.

Very respectfully,

SAM'L A. BELDON,
Of Brownsville, Texas.

HON. HUGH McCULLOCH,
Secretary of the Treasury.

Mr. Plumb to Mr. Seward.

No. 197.]

LEGATION OF THE UNITED STATES,
City of Mexico, October 2, 1868.

SIR: In dispatch No. 75, of the 8th February last, I advised the department of the appointment by this government, of a commission for the formation of a new tariff.

This commission, it seemed then to be expected, would report in time for the new tariff bill to be submitted to Congress by the executive, at the April session of the present year; but up to the present moment their labors do not appear to have been completed.

The pendency of such a measure has naturally tended to delay importations, and the government has now published a notice, that while the contemplated change in the tariff relates mainly to its simplification and the placing of the different duties in one sole rate, and it is not designed to raise or to lower the duties now collected, that under any circumstances it is not probable the new tariff can be completed so as to go into operation under a year from the present time.

I beg to inclose herewith a translation of this notice.

I have the honor to be, very respectfully, your obedient servant,

E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

OFFICIAL STATEMENT REGARDING THE PROPOSED NEW TARIFF.

[From the *Diario Oficial*, city of Mexico, September 30, 1868.—Translation.]

CHANGE OF TARIFF.

It has come to the knowledge of the supreme government that one of the causes that has contributed to the present bad condition which is observed, of commerce, occasioned by the paralyzation of mercantile transactions, is the expectation that a new tariff will soon be issued, changing the duties upon various articles, which would determine any combinations now made by the importing houses.

It is also asserted that in some ports, as in Vera Cruz, information is even had as to the rates fixed in the new tariff upon articles of principal consumption.

The government desiring to calm the fears that may exist on this account, we hasten to state, with the proper authorization, that the principal object proposed by the executive in contemplating a reform in the tariff, was that of simplifying that now in force, reducing to a single quota the duties which in conformity with it are collected, simplifying so far as possible the operations of commerce and of the custom-houses, and at once adopting the decimal system of weights and measures which in conformity with our legislation has to be observed in the republic. It was not contemplated to raise or to lower the duties that are now collected upon foreign merchandise.

The commission appointed by the executive to prepare the project of the new tariff has not informed the department of treasury that it has concluded its labors. When the result of its labors shall be submitted, the government will consider the same, with the interest and the deliberation that so important an affair requires.

It will hear the opinion of the principal custom-houses of the republic, of the press, and of the national and foreign commerce, before conceding to the project its sanction, and in every case it will take care to avoid that there shall result from it prejudices to the merchants who have made their orders in conformity with the tariff now in force.

It is, therefore, almost certain that supposing there should be some alterations in the duties now collected, which is not probable, the new tariff could not commence to be in force under a year, and that for this reason legitimate commerce has nothing to fear in now making orders based upon the present tariff.

Mr. Plumb to Mr. Seward.

No. 198.]

LEGATION OF THE UNITED STATES,
City of Mexico, October 2, 1868.

SIR: While not desiring to give too much importance to such indications, yet under the necessity which exists in this country for the introduction of foreign capital, experience, and skill, in industrial enterprises, no thoughtful observer of what is passing in Mexico can fail to notice, and no well-wisher of this country can fail to regret, the policy evinced in the first law passed by the Mexican congress at the present session, in the restriction contained therein that engineers to be employed upon a certain public work must be Mexican.

This provision was adopted by a very large vote, although the special attention of the chamber was called by a deputy to the impolicy of such restriction.

I beg to inclose herewith translation of the bill referred to and of the remarks made in congress upon this point.

I have the honor to be, very respectfully, your obedient servant,
E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

DECREE OPENING A WAGON ROAD FROM THE CITY OF DURANGO TO THAT OF MAZATLAN.

[From the *Diario Oficial*, Mexico, September 30, 1868.—Translation.]

DEPARTMENT OF FOMENTO, COLONIZATION, INDUSTRY, AND COMMERCE,—SECTION 3.

The citizen President of the republic has been pleased to address to me the following decree:

Benito Juarez, constitutional President of the United Mexican States, to all the inhabitants of the same, be it known, that the Congress of the Union has thought proper to decree the following:

The Congress of the Union decrees:

ARTICLE 1. A wagon road shall be opened from the city of Durango to that of Mazatlan, passing by the Sierra Madre.

ART. 2. The expenses of the work shall be covered by the federal treasury, fifty thousand dollars per annum being assigned for that purpose, which shall be taken from the sum specified for roads in the appropriations for the department of fomento.

ART. 3. The executive will proceed immediately to appoint a commission of Mexican engineers, who, after a survey of the line, will form the plan of the work, and upon the approval of the same by the department of fomento, the work shall be commenced.

Hall of sessions of the Congress of the Union, Mexico, September 22, 1868.

JUSTINO FERNANDEZ, *President.*

JOAQUIM BARANDA, *Secretary.*
JUAN SANCHEZ AZCONA, *Secretary.*

Wherefore, I order that it be printed, published, and circulated, giving to it the due compliance.

PALACE OF THE GENERAL GOVERNMENT, *Mexico, September 25, 1868.*

BENITO JUAREZ.

The Citizen BLAS BALCARCEL,
Minister of Fomento, &c.

And I communicate the same to you for your knowledge and the consequent ends. Independence and liberty! Mexico, September 25, 1868.

BALCARCEL.

CONGRESSIONAL REPORT—SESSION OF THE 22d OF SEPTEMBER, 1868.

[From the Siglo XIX, Mexico, September 23, 1868.—Translation.—Extract.]

The Secretary, Mr. SANCHEZ AZCONA. The debate will continue upon the project of a road between Durango and Mazatlan.

Article second is under discussion. The article was approved by one hundred and eight votes against one.

Mr. SANCHEZ AZCONA, secretary. Article 3. "The executive will proceed immediately to appoint a commission of Mexican engineers, who, after a survey of the line, will form the plan of the work, and upon the approval of the same, the work shall be commenced." It is open to discussion.

Mr. BARRAGAN. The article which is under consideration, contains an exclusivism in the requirement that the engineers shall be Mexican. I do not believe that we are prejudiced against foreigners; but if we are, we should not say so. Nor should we appear as if we desired to exclude them from our society, when, on the contrary, we desire to attract them.

I beg that the committee will reform the article in the sense that I have indicated.

Mr. SANCHEZ AZCONA, secretary. Are there any who desire to speak? Shall the vote be taken?

Yes.

The vote is upon the approval of the article.

It resulted—affirmative, one hundred; negative, fourteen.

Mr. Plumb to Mr. Sevard.

No. 203.]

LEGATION OF THE UNITED STATES,
City of Mexico, October 8, 1868.

SIR: The annual report of the Mexican minister of treasury was presented to congress under date of the 28th ultimo, and is published in the Diario Oficial of the 3d and 4th instant. I transmit a copy to the department by this mail.

From this report it appears that the total receipts of the Mexican government for the first six months of the present year, viz: from the 1st January to the 30th June, being the second half of the last fiscal year, were \$9,907,336.

This amount is stated to have been derived from the following sources:

General treasury, direct payments	\$26, 868
Proceeds of nationalized property	276, 747
Stamped paper	1, 030, 468
Direct contributions in the federal district	352, 509
Custom-house of this capital	1, 026, 315
Post offices	384, 682
Department of fomento, direct payments	13, 421
Fund of public instruction	133, 627
Chancellaria	1, 558
Maritime and frontier custom-houses	5, 715, 881
Treasury collection offices	518, 847
Mints, assay, and duties on silver	426, 413
Total	<u>9, 907, 336</u>

For the first half of the year the data is incomplete. The city of Mexico was occupied by the liberal forces under General Porfirio Diaz on the 21st of June, 1867, but the constitutional government did not return to the capital until the 15th of July, and it was only at the end of July and in August that many of the federal collection offices were

re-established, and some of the maritime custom-houses did not come into the possession of the government until after the reoccupation of the capital.

It is estimated, however, that the receipts for the first half of the fiscal year did not fall short more than one million and a half of those of the second half, thus making an estimated total of receipts for the year ending 30th June last, of \$18,300,000.

It is estimated that of the total receipts, even for the last half of the year, fifteen to twenty per cent. failed to reach the control of the government, having been used by state or other authorities.

From the receipts for the past year, in estimating for the future, it is stated there will have to be deducted several items of revenue which have only a temporary character, such as the proceeds of fines and confiscations, proceeds of nationalized property, delayed contributions, &c. The reduction also, made by the suppression in the appropriation bill passed by congress at the close of the last session, of certain imposts previously existing, is estimated at some \$800,000.

With the revenue that has thus far been realized, it is stated (I translate from the report) that "for the first time in many years it has been seen, actually repeated in a series of months that includes the bad season in the ports, that the general treasury has paid in full, at the end of every fortnight, their salaries to the civil list, and every fortnight in advance to the military. The employés, and the part of the army that from not residing in the capital do not receive their pay from said office, have yet been attended to with no less regularity." The expenditures, it is stated, however, absorb all the receipts, and this without making any provision for the payment of the interest on the public debt.

Under this head the minister of treasury states:

The government also believes it to be its duty frankly to manifest to congress that it does not consider that with the imposts now collected in the nation, it is possible to resume the payment of the interest of the debt. To obtain this result it will be necessary, in the judgment of the executive, to impose new contributions, or to wait until the consolidation of order and peace in the republic shall render it possible to reduce the army and the expenses it occasions; unless some sudden development of the great resources of the country shall be attained, in which case the revenue from the present imposts would give sufficient to meet that requirement.

In this situation it appears that the system entered upon under the decree of the 30th November of last year, establishing auctions for the buying in of the bonds of the public debt, is considered as highly desirable. It does not appear, however, that there have been held since that date more than four of these auctions for the foreign debt, and five for the interior debt. Of the English and Spanish bonds, it is stated \$1,093,414 have been bought in at a cost of \$204,995, and of the bonds of the interior debt, \$1,026,827, at a cost of \$85,842.

These are considered in the report as highly satisfactory financial results.

It is stated by the minister of treasury in this report with regard to their bonds issued in the United States, of which it is stated there are outstanding \$2,425,450, that "the government would have made a supreme effort to pay the interest on these bonds in consideration of their privileged character, if it had not been, as I have already stated, that it has appeared to it unjust to prefer some to the prejudice of others, and because its circumstances have not permitted it to pay the interest of all."

With reference to reduction of imposts, or changes in the revenue system of the country, the report states:

The government recognizes that there is much to improve in the system of imposts

now in force in the republic; it does not yield to any one in its desire to take part in the great work of reforming this legislation; but it believes that all else should be sacrificed to the peace of the nation, and until this is found solidly guaranteed it is not time to think of radical reforms, which have the great peril of destroying what exists without establishing anything real in its place.

The notice of delay with reference to the proposed reform of the tariff, of which I advised the department in my dispatch, No. 197, of the 2d instant, is repeated in the present report. It is stated therein that "in no case is it probable that the new tariff can commence to have effect under a year."

As in the notice published it was stated that it was not the design to raise or to lower the amount of the duties established under the existing tariff, but to simplify them and to establish a single import duty in place of the various additional duties now in force, so much delay in a matter of mere reform appears singular.

Reference is made in the report to the necessity of establishing light-houses in the Gulf and on the Pacific coast.

The report also states as follows:

The government of the State of Sonora has solicited the opening to foreign commerce of the port of Libertad, in the Gulf of California. The opening of this port may produce essential advantages to that State and to the nation in general, as it would probably be the route of communication with the Territory of Arizona, where the mining interest is taking great proportions. The government is occupied in carefully examining the antecedents of this affair, in order to proceed in the orbit of its faculties in the manner that it may believe most advantageous to the national interests.

Among the faculties conferred upon the President of the republic by the Mexican constitution, is the following, article 58, clause 14:

To open all classes of ports, establish maritime and frontier custom-houses, and designate their location.

It is therefore entirely within the discretion of the executive to open the port of Libertad at any time.

The recommendation of the governor of the State of Sonora, in favor of the opening of this port, as I am informed, has been before the government for now upwards of a year; there should be some hope, therefore, of action in the matter at no very distant day.

Since my arrival here, at this time last year, I have not failed, as often as propriety would permit, to commend to the consideration of this government the policy, as well as the advantage to Mexico, of the opening to the commerce of the United States of the transit across Sonora into the Territory of Arizona.

When applying, under your instructions of the 15th September, 1867, for the transit, by way of Guaymas or Libertad, of United States army supplies destined for Arizona, which was granted by way of Guaymas, I at the same time, in my conversations with Mr. Lerdo de Tejada, urged the propriety, as a measure of good policy on the part of this government, which would be appreciated by the commercial interests of the United States, of the free opening of both lines of transit, not merely for military supplies, the property of the government of the United States, but for all commerce.

Such measures, however, have thus far been acted upon very slowly here.

I have the honor to be, very respectfully, your obedient servant,
E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Plumb to Mr. Seward.

No. 204.]

LEGATION OF THE UNITED STATES,
City of Mexico, October 9, 1868.

SIR: In compliance with the instruction contained in your dispatch No. 95, of the 31st August last, relating to the attempted organization in the United States of expeditions hostile to the peace of Mexico and the prompt and effectual measures taken by the government of the United States for their suppression and the maintenance of the laws of the United States for the preservation of neutrality, I addressed a note to the minister of foreign affairs, on the 30th ultimo, of which I beg to inclose copy herewith.

The reply of Mr. Lerdo de Tejada has been received to-day, and copy and translation are herewith transmitted.

I have the honor to be, very respectfully, your obedient servant,
E. L. PLUMB.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Plumb to Señor Lerdo de Tejada.

LEGATION OF THE UNITED STATES,
Mexico, September 30, 1868.

SIR: In conformity with the request made in the note addressed to me by the department of foreign relations of the Mexican government, on the 10th of July last, relating to the reported renewal in the United States, by the enemies of the public order of Mexico, of their efforts to effect the organization of expeditions hostile to the peace of the Mexican republic, and expressing the expectation that the government of the United States would prevent the development of such projects, I immediately transmitted to the Secretary of State of the United States a copy of that note and of the documents which accompanied it.

I have received, by the mail which has just arrived, the reply of the Secretary of State.

In this reply I am advised that long prior to the receipt of my dispatch the attention of the government of the United States had been drawn to the organizations referred to.

Prompt, and it is believed, effectual measures, were taken for their suppression and the maintenance of the laws of the United States for the preservation of neutrality.

I am instructed to inform the government of Mexico of this fact, of which it has probably been apprised by the reports of its agents in the United States.

I have the honor to be, with the highest consideration, your most obedient servant,
E. L. PLUMB.

HIS EXCELLENCY SEBASTIAN LERDO DE TEJADA,
Minister of Foreign Relations of the Republic of Mexico.

Señor Lerdo de Tejada to Mr. Plumb.

[Translation.]

DEPARTMENT OF FOREIGN RELATIONS,
Mexico, October 8, 1868.

SIR: You were pleased to communicate to me in your note of the 30th of September last, that you had opportunely transmitted to the honorable Secretary of State of the United States of America, copy of the note of this department of the 10th of July last, and of the documents annexed to it, referring to the reported renewal within the territory of the United States by certain of the enemies of the public order and tranquillity of Mexico, of their efforts to organize expeditions hostile to the peace of this republic; and that you had now received the reply of the honorable Secretary of State, stating that long before the receipt of your dispatch the attention of the government of the United States had been directed to the said machinations, dictating prompt and effica-

cious measures to suppress them and to maintain the observance of the laws of neutrality of the United States.

I have given an account of your note to the President of the republic, and by his direction I have the honor to ask you to be pleased to express to the honorable Secretary of State the high appreciation with which the government of Mexico has seen the promptitude and efficacy of the measures of the government of the United States in the case referred to, esteeming the same as a new proof of its friendly sentiments towards Mexico, and as a new manifestation of the cordial relations which happily exist between the two republics.

I am, sir, with the highest consideration, very respectfully, your obedient servant,

S. LERDO DE TEJADA.

Mr. EDWARD LEE PLUMB,

Chargé d'Affaires of the United States of America, Mexico.

Mr. Plumb to Mr. Seward.

No. 205.]

LEGATION OF THE UNITED STATES,

City of Mexico, October 10, 1868.

SIR: In the report made to the Mexican congress on the 28th ultimo, by the minister of treasury, of which I gave a synopsis in my dispatch No. 203, reference was made to the subject of the opening to foreign commerce of the port of Libertad, in the Gulf of California, and it was stated that the government was occupied in carefully examining the subject, in order to proceed in the orbit of its faculties in the manner it might believe most advantageous to the national interests.

From a communication addressed to congress by the minister of treasury, on the 6th instant, published in the *Diario Oficial* of yesterday, it appears that the executive has resolved to open this port only to the coasting trade instead of to foreign commerce as had been expected, and as the government of the State of Sonora, according to the statement of the minister of treasury in his report, had solicited.

I beg to inclose translation of the communication referred to herewith.

I have the honor to be, very respectfully, your obedient servant,

E. L. PLUMB.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

PROPOSED OPENING OF PORT LIBERTAD, IN THE GULF OF CALIFORNIA,
TO THE COASTING TRADE.

[From the *Diario Oficial*, October 9, 1868.—Translation.]

DEPARTMENT OF TREASURY AND PUBLIC CREDIT.—SECTION 1.

The citizen President having resolved, in use of the faculty conceded to him by article 85, clause 14 of the constitution, to open to the coasting trade the bay of Lobos, (Port Libertad,) in the Gulf of California, on account of the great advantages which from such measure should result to the State of Sonora and to the nation, as is set forth in the reports which appear in the papers with reference thereto, which, for the information of the chamber, I have the honor to annex to this communication, it has appeared proper to initiate to congress an assignment of employes and their salaries in the new port equal to the assignment now made to the port of Goatzacoalcos; and that the executive be authorized to make expenditures not exceeding \$25,000 in the works that may be necessary.

I renew to you the assurances of my very distinguished consideration.
Independence and liberty! Mexico, October 6, 1868.

M. ROMERO.

The Citizen DEPUTIES, *Secretaries of the Congress of the Union, Present.*

Mr. Plumb to Mr. Seward.

No. 206.]

LEGATION OF THE UNITED STATES,
City of Mexico, October 14, 1868.

SIR: On the 22d ultimo, I received from Mr. Ulrich, consul at Monterey, a letter under date of 12th ultimo, of which I beg to inclose copy herewith, in which he informs me that, on the 11th of September, the judge at Monterey gave his final decision in the case of the American citizens who were maltreated at that place.

I had expected that before this a copy of that decision would have been communicated to me by this government, but no communication whatever has been made to me on the subject of that outrage since Mr. Azpiroz's note of the 11th of August last, in which he stated that he had asked from the governor of Nuevo Leon the official documents in this affair, directing that the same be punctually remitted by return of mail. A copy of that note was transmitted to the department with my dispatch No. 171, of the 12th of August.

By the report of congressional proceedings, published in the Siglo XIX of yesterday, I see that Mr. Narciso Davila, late secretary of the governor of Nuevo Leon, who, according to the depositions of the parties aggrieved at Monterey, gave the orders for their arrest and ill treatment, has arrived at this capital, and, his credentials having been approved, was sworn in and took his seat as a member of the national congress on the 12th instant.

I have the honor to be, very respectfully, your obedient servant,
E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Ulrich to Mr. Plumb.

CONSULATE OF THE UNITED STATES,
Monterey, September 12, 1868.

SIR: On yesterday the judge gave the final decision in the case of the six American citizens who were maltreated here.

The result is about what we all looked for, and while the decision punishes some of the parties concerned in the outrage, it still allows the principal instigator to go free.

The judge imposes a penalty of fifteen months' incapacitation to hold office on Juan Vara, who was warden of the jail. The parties who did the whipping, &c., in the jail, being already prisoners under long sentences, are not much incommoded by the penalty of being compelled to work on the streets for some months after their terms have expired, as a punishment for this offense.

Mr. Davila, ex-secretary of Governor Trevino, is not reached by this decision. The judge declares, in his statement, that there is no tribunal here before which he can be brought. If this be the case, we are then placed at the mercy of every petty official who may wish to annoy us. As Mr. Davila is the guilty party beyond a doubt, the others having been merely tools in his hands, there should be some tribunal competent to give him his deserts.

No notice whatever has been taken of the worst feature of the case, Davila's allowing the young Mexicans of the party, who were equally culpable with the others, to go to their homes, while the Americans alone were sent to jail. And, besides, there is no doubt but that it was through his orders that they were treated so severely.

As you, no doubt, will be furnished by the authorities with a copy of this decision, I think, on seeing it, you will agree with me in the opinion that the penalties affixed, and the character and position of the parties punished, is but a poor satisfaction to the persons aggrieved.

I have the honor to be your obedient servant,

Hon. E. L. PLUMB,
United States Chargé d'Affaires, Mexico.

J. ULRICH, *Consul.*

Mr. Seward to Mr. Plumb.

No. 107.]

DEPARTMENT OF STATE,
Washington, October 14, 1868.

SIR: Your dispatch of the 25th September, No. 193, has been received. It treats of alarms which have been raised in Mexico, by proceedings of General Santa Anna in Havana for organizing military expeditions in the Island of Cuba to invade Mexico, through the territory of the United States. You are authorized to communicate to the Mexican government the copy hereunto appended of two dispatches which have been received at this department from the United States vice-consul general at Havana. One of these is a dispatch which came by telegraph and bears date the 7th of October, and the other is a dispatch in writing, which carries the date of the 6th of the same month. There is no reason to apprehend any danger of such a proceeding originating in the United States.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

EDWARD L. PLUMB, Esq., &c., &c., &c.

Mr. La Reintrie to Mr. Seward.

No. 99.]

CONSULATE GENERAL OF THE UNITED STATES,
Havana, October 6, 1868.

SIR: At the request of Mr. Romero I transmit you the * *Diario Oficial* of Mexico, of the 24th ultimo. It contains the documents showing the latest attempted *coup d'état* of Santa Anna for upsetting the government of President Juarez.

As the steamer leaves in a few minutes, I have not the time to have it translated.

The attempt has completely failed, as will also any other on the part of Santa Anna.

I am, sir, with great respect, your obedient servant,

H. R. DE LA REINTRIE,
Vice-Consul General.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. La Reintrie to Mr. Seward.

[Telegram per cable.]

CONSULATE GENERAL OF THE UNITED STATES,
Havana, October 7, 1868.

Hon. WILLIAM H. SEWARD, Secretary of State, Washington, D. C.:

The captain general has ordered Santa Anna to leave Cuba for plotting, while here, against the peace of Mexico.

H. R. DE LA REINTRIE,
Vice-Consul General.

Mr. Seward to Mr. Plumb.

No. 110.]

DEPARTMENT OF STATE,
Washington, October 15, 1868.

SIR: I have to acknowledge the receipt of your dispatches of the 10th and 12th of September, Nos. 184 and 185. The progress of reorganization and administration in Mexico is highly honorable to the govern-

* For inclosure see inclosure to Mr. Plumb's dispatch, No. 193, of the 25th September.

ment and people of Mexico, and it seems to be full of good augury for the republican system throughout the world.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

EDWARD L. PLUMB, Esq., &c., &c., &c.

Mr. Plumb to Mr. Seward.

No. 209.]

LEGATION OF THE UNITED STATES,
City of Mexico, October 20, 1868.

SIR: I have the honor to transmit to the department herewith a statement showing the receipts of each of the several maritime and frontier custom-houses of the Mexican republic, for the first six months of the year 1868, compiled from publications made by the department of treasury; also two statements showing the various different duties charged upon foreign effects, and the amount collected under each, for the same period, at the port of Vera Cruz, and by the custom-house of the federal district.

I am, sir, very respectfully, your obedient servant,

E. L. PLUMB.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Statement showing the gross receipts at the several maritime and frontier custom-houses of the republic of Mexico, for the first six months of the year 1868.

MARITIME CUSTOM-HOUSES.

Acapulco.....	\$104,562
Campeche.....	59,231
Goatzacoalcos.....	11,907
Guaymas.....	461,187
Isla del Carmen.....	46,057
Manzanillo.....	897,718
Mazatlan.....	874,572
Matamoros.....	248,247
La Paz.....	132,444
San Blas.....	87,923
Sisal.....	107,326
Tabasco.....	59,799
Tonalá.....	2,104
Tampico!.....	1,001,355
Tuxpan.....	27,177
Vera Cruz.....	2,693,788
Ventosa.....	12,074
	<hr/>
	6,827,471

FRONTIER CUSTOM-HOUSES.

Regnosa.....	\$541
Camargo.....	7,296
Mier.....	15,887
Monterey-Laredo.....	2,504
Piedras Negras.....	67,387
Presidio del Norte.....	38,601
Paso del Norte.....	10,580
Zapaluta.....	7,403
	<hr/>
	150,199
Total receipts.....	<hr/>
	6,977,670

The foregoing is compiled from publications made by section six of the department of treasury, in the *Diario Oficial* of the 8th October, 1868.

Statement showing the various different duties charged in Mexico, and the amount collected under each at the port of Vera Cruz for the first six months of the year 1868.

Importation duty.....	\$1, 448, 860
Material improvement duty, twenty per cent. on import duty.....	289, 772
Railroad duty, fifteen per cent. on import duty.....	217, 329
Internation duty, ten per cent. on import duty.....	144, 886
Counter register duty, twenty per cent. on import duty.....	289, 772
Tonnage duty, one dollar per ton.....	14, 600
Export duty on coined silver, five per cent.....	23, 068
Export duty on gold, one and one-half per cent.....	10, 726
Export duty on worked silver, seven per cent.....	283
Export duty on woods, one dollar per ton.....	1, 282
Circulation duty on coined silver, two per cent.....	16, 476
Duty on tobacco, one dollar and fifty cents per pound.....	20, 273
Charge when receiving drafts on Mexico, say four per cent.....	58, 020
Duty of twelve and a half cents per package.....	15, 044
Duty of one dollar per package of two hundred pounds.....	96, 378
Duty on cotton, one and one-half cents per pound.....	47, 019
Total.....	2, 693, 788

Statement of duties charged upon foreign effects by the custom-house of the federal district, and the amount received from the same for the first six months of the year 1868.

Department duty, fixed quotas.....	\$54, 728
School of arts and sciences duty, fixed quotas.....	8, 448
Drainage of the valley, old charge, fixed quotas.....	3, 739
Drainage of the valley, new charge, fifty per cent. on municipal duty.....	34, 238
Municipal duty, fixed quotas.....	62, 057
Municipal duty of the port remaining unpaid.....	660
Pensions and retired list duty, fixed quotas.....	29, 895
Storage, when remaining, twelve and a half cents per package per month.....	302
Federal contribution, twenty-five per cent. on the interior duties.....	56, 118
Duty of two per cent.....	110, 482
Mercantile tribunal, two per cent. on import duty.....	26, 602
Duty on cotton, one cent per pound.....	5, 609
Counter register duty unpaid at port.....	1, 324
Internation duty unpaid at port.....	159
Importation duty unpaid at port.....	112
Export duty on coin hereafter to be paid at port.....	77, 436
Circulation duty now added to export duty.....	34, 760
Total.....	506, 669

Diario Oficial, October 19, 1868.

Mr. Plumb to Mr. Seaward.

No. 211.]

LEGATION OF THE UNITED STATES,

City of Mexico, October 22, 1868.

SIR: In the passage of a law published in the Diario Oficial of yesterday, providing for the navigation of the lakes in this valley by steam-boats, being the fourth act passed at this session of the Mexican congress, some remarks were made in the debate, and a feature was introduced in the bill as first reported by the committee, that merit notice in their relation to the feeling in this country as regards foreigners, to which I alluded in dispatch No. 198, of the 2d instant.

To judge intelligently of the situation here it is necessary that this feeling should be known. Whether there may not be sufficient cause

for its existence, or what consequences may result therefrom, and whether it may not gradually disappear, as is to be hoped, it is perhaps not my province to discuss.

I beg to inclose translation of the remarks referred to herewith.

In a project of a general railroad law reported by the committee on industry in congress on the 2d instant, there are provisions containing the same ideas, of which I also inclose translation herewith.

I have the honor to be, very respectfully, your obedient servant,
E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[From the Siglo XIX, city of Mexico, October 13, 1868.—Extract.—Translation.]

CONGRESSIONAL REPORT.—SESSION OF THE 12TH OCTOBER, 1868.

The project of law for the navigation of the lakes in the valley of Mexico by steam being under consideration, Mr. Sanchez Ascona, secretary, read article thirteen, which is as follows:

This company is purely Mexican, and on no account shall cease to have that character; by the sole act of passing to foreigners the concession shall be forfeited, and it shall be obligatory to return the sums that may have been received, as also to pay the duties and imposts that may have been caused, for which purpose the steamers and all that forms the capital of the enterprise shall be held hypothecated.

Mr. MATA. When I see what the committee here reports to us it appears to me that we have returned to the times of Philip II. I agree that the enterprise shall be Mexican, but why from the fact of there entering into it a foreigner should there be imposed the return of the small sum with which it is subventioned? All who take part in or form a company in the country are subject to its laws. This article will establish an odious restriction, and I therefore ask the committee to be pleased to withdraw it, or if not, that it be divided, as directed by the rules, in order that the chamber can thus vote the first part, and refuse the second, as I beg it will do.

Mr. BAZ. The committee has done nothing more than for some time past has been done in all affairs of this kind that have been approved by congress.

Mr. MATA states that all who take part in or form a company in the country, have to submit themselves to its laws. So it should be, but in practice it has proved to be otherwise. Experience has proved to us that the slightest incident in which foreigners suppose their interests to be attacked, is made the occasion of reclamations, and we now know to what those lead. This evil is what the committee has sought to avoid. Mr. MATA has been minister, and I wish that he would state to us what remedy he has found to impede, or at least to neutralize the effect of the reclamations of foreigners.

Here many observations can be made, but on coming to the result in practice difficulties are met with which it is necessary to prepare for beforehand.

Mr. PRIETO. Less severe than Mr. MATA, I understand all the embarrassments of reclamations, and the necessity of averting them; but the committee should bear in mind that our diplomatic relations with foreign governments are almost entirely discontinued; that we are now all under a common law, and therefore there is no occasion for the restriction treated of.

Mr. BAZ. If we did not remember how exacting foreigners have been; if the recollections were not so fresh of the pressure they have exercised upon the country, the observations of Messrs. MATA and PRIETO would have force. But experience warns us to be cautious, and the committee has reported this article to prevent the repetition of the disagreeable scenes to which such reclamations have given rise.

Mr. MATA. I have to state again that I asked the division of the article, as is provided in the rules. For the rest I would mention that I am not myself under discussion. As I have never been minister of foreign affairs, I have never had to study the manner of impeding reclamations.

The constitution marks clearly what are the obligations of the foreigner in the republic. When it shall be necessary to subject them to the restrictions now proposed, it will be better to state to them that they shall not reside among us, and to close to them our ports. There is scarcely an enterprise in which foreigners have not a part, and to condemn them in this manner on account of a miserable subvention of \$4,000, is even worse, as I have already said, than to close to them our ports. We have proclaimed the principle of universal fraternity, and we should be faithful to it.

Mr. BAZ. The committee does not believe that it should reform the article. It is a clause which has its utility, for although Mr. Prieto states that there cannot be reclamations, because we have no diplomatic relations, the truth is that there are. They are of North Americans, but they exist. I know several.

On the other hand, the committee does not state that foreigners shall not take part in enterprises, but that enterprises shall not be made foreign.

Mr. PRIETO. I beg the committee will be pleased to divide the article, for article 100 of the rules so directs. The article we are discussing is composed of two parts, and if it is not divided in approving it there will be approved what the chamber does not desire, and in rejecting it there will also be rejected a part that congress wishes to approve.

Mr. SANCHEZ ASCONA. The committee reform the article in this manner:

"The company is purely Mexican, and in no case can it lose this character. It will be subject to the laws and tribunals of the country. With respect to the responsibilities that it contracts with the government, there will remain hypothecated the steamers and all that forms the capital of the enterprise."

The vote having been taken, the article was adopted by sixty-nine votes against forty-nine.

PROJECT OF A GENERAL RAILROAD LAW REPORTED BY COMMITTEE IN THE MEXICAN CONGRESS.

[From the Siglo XIX, Mexico, October 3, 1868.—Translation.—Extract.]

CONGRESSIONAL REPORT.—SESSION OF THE 2D OCTOBER, 1868.

The first reading was given to the following project of law reported by the committee on industry, which was ordered to be printed:

ARTICLE 8. The concessions shall be forfeited:

1. If they are hypothecated, transferred, or ceded, in whole or in part, to any foreign government.
2. If they are hypothecated, transferred, or ceded to any individual or corporation without the previous permission of the authorities that have made them.

ARTICLE 17. The companies, shareholders, creditors, directors, employers, laborers, and in general, all persons who have any part in railroad enterprises in the republic, shall be considered as Mexicans in all that relates to the same; they cannot allege rights as foreigners with respect to interests connected with the enterprise, nor can they have, even when alleging denial of justice, other rights or other means of enforcing them than those that the laws of the republic concede to Mexicans.

PROJECT OF RAILROAD CONCESSION TO VERA CRUZ.

[From the Siglo XIX, city of Mexico, September 23, 1868.—Translation.—Extract.]

CONGRESSIONAL REPORT.—SESSION OF THE 22D SEPTEMBER, 1868.

Mr. Peña y Ramirez presented the following project of law, signed by a majority of the representatives in congress from the state of Coahuila:

Project of law with reference to the railroad to Vera Cruz. Concessions.

ARTICLE 24. This permission shall be forfeited:

1. By the transfer, cession, or hypothecation of the rights under it, in whole or in part, to a foreign government, or the reclamation by the company under whatever pretext, of foreign protection.
2. For the transfer, cession, or hypothecation of the same to any individual or corporation, without the previous consent of the government.

ARTICLE 26. The penalty of forfeiture for the causes to which paragraph 1 of article 24 refers will produce, in addition to the penalties established in the preceding article, criminal action against the infractors, as traitors to the country; suffering in consequence a fine equal to the half of the capital they represent in the road, without prejudice to the other penalties to which they may be liable in conformity with the general laws of the country.

Mr. Plumb to Mr. Seward.

No. 212.]

LEGATION OF THE UNITED STATES,
City of Mexico, October 29, 1868.

SIR: In an interview with Mr. Lerdo de Tejada at the department of foreign affairs on the 20th instant, I read to him your dispatch No. 99, of the 17th ultimo, according to the instruction therein contained, and at his request left with him a copy of the same.

Mr. Lerdo, in that interview, confined himself to remarking that with reference to the case of the murder of Mr. Braniff, referred to, he would at once himself make an investigation to see that all was being done that could be done to bring the guilty parties to justice.

An expression, however, was added of his sense that the course of the government of the United States towards Mexico certainly had been marked by great consideration.

A note from Mr. Lerdo de Tejada upon the subject of that dispatch reached me this morning, of which copy and translation are inclosed herewith.

I have the honor to be, very respectfully, your obedient servant,
E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Señor Lerdo de Tejada to Mr. Plumb.

[Translation.]

MEXICO, October 28, 1868.

SIR: In our interview of the 20th of this month, you were pleased to leave with me a copy of the note addressed to you by the Hon. Secretary of State of the United States of America, on the 17th of September last, with reference to the death of Mr. John Braniff, a citizen of the United States, in consequence of wounds inflicted by malefactors who assaulted the house where he was, belonging to Mr. Pablo Guarneros, in the village of Santa Cruz, of the State of Tlaxcala, about 9 o'clock of the night of the 6th of April of this year.

As I said to you in our interview, the object of the note of this department of the 18th of August was to express all the zeal of the government for the better administration of justice. Esteeming highly, therefore, what in the note of the 17th of September the Hon. Secretary of State has been pleased to state with reference to the constant efforts of the government after the prolonged civil and foreign war that Mexico has sustained, to re-establish order and peace in all the republic, after our interview I addressed the same day, the 20th, a communication to the governor of Tlaxcala, asking from him a new report as to whether any information had been obtained of the malefactors and their apprehension had been effected.

The governor has answered me under date of the 24th, referring to the reports of the judge who has had charge of the affair, in which it is explained that as the assault took place at night, and the malefactors were immediately repulsed without being recognized by those who were in the house, and without its being known that they were seen by other persons outside of it, in the small village of Santa Cruz, all the efforts made to ascertain who the criminals were have thus far unfortunately proved inefficacious.

The judge adds that he continues endeavoring with especial care to obtain some indication with reference to said criminals, and that he is observant of every occasion or circumstance that may serve for their discovery.

The government regrets that this has not yet been attained, and desiring that no means shall be omitted to secure, if possible, the punishment of the guilty parties, it now repeats to the governor of Tlaxcala the special charge that for this purpose has been made to him.

I have the honor to be, sir, very respectfully, your obedient servant,
S. LERDO DE TEJADA.

Mr. EDWARD LEE PLUMB,
Chargé d'Affaires of the United States of America in Mexico.

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Mr. Plumb to Mr. Seward.

No. 213.]

LEGATION OF THE UNITED STATES,
City of Mexico, November 6, 1868.

SIR: In addition to the data relating to the amount and classification of the Mexican customs receipts, transmitted to the department with my dispatch No. 209, of the 20th ultimo, I beg now to transmit herewith a very elaborate and complete statement which appeared in the *Diario Oficial* of yesterday, showing the amounts collected for the first six months of the present year, at each of the maritime and frontier custom-houses of the republic, under each of the different duties now imposed. The different duties upon merchandise and vessels, it appears, according to the classification made, are thirty in number.

It will also be observed that the total amount of the duties collected at all the frontier custom-houses, including Matamoras, is a little less than four hundred thousand dollars for the first six months of the present year, or at the rate of eight hundred thousand dollars per annum.

Assuming that the average rate of duties now charged by Mexico amounts only to fifty per cent. upon the value of effects imported, the above sum of eight hundred thousand dollars would therefore show a commercial movement of legitimate commerce, of only one million six hundred thousand dollars per annum, for the entire frontier of Mexico, including the port of Matamoras.

I have the honor to be, very respectfully, your obedient servant,
E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Plumb to Mr. Seward.

No. 217.]

LEGATION OF THE UNITED STATES,
City of Mexico, November 9, 1868.

SIR: The copies of the volume containing expressions of condolence and sympathy inspired by the assassination of Abraham Lincoln, late President of the United States, which are the subject of your dispatch No. 92, of the 26th of August last, reached me on the 19th ultimo.

I have now the honor to inclose to you herewith copy of the correspondence that has taken place in the presentation, according to your instructions, of these volumes, respectively, to the Mexican government and to Mr. Lerdo de Tejada, who, at the death of President Lincoln, held the position of minister of foreign affairs.

I have the honor to be, very respectfully, your obedient servant,
E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Plumb to Señor Lerdo de Tejada.

LEGATION OF THE UNITED STATES,
Mexico, October 20, 1868.

SIR: The Secretary of State of the United States has caused to be forwarded to me two copies of a volume containing expressions of condolence and sympathy inspired by the assassination of Abraham Lincoln, late President of the United States.

One of these copies I am instructed to present to the government of Mexico, and the other to the gentleman who, at the death of President Lincoln, held the position of minister of foreign affairs.

I have the honor to accompany herewith the volume which I am instructed to present to the government of Mexico.

In forwarding these volumes to their respective destinations, I am instructed to inform you that the Department of State acts in pursuance of a resolution of the Congress of the United States approved March 2, 1867, and that these testimonial volumes are presented to foreign governments, corporations, associations, and individuals, as a mark of the grateful appreciation in which the generous expressions of condolence and sympathy in their national bereavement, received from them, respectively, are held by the people of the United States.

I have the honor to inclose to you herewith a copy of the resolution of Congress, which I am instructed to forward with the volume in question.

I am, sir, with the highest consideration, your most obedient servant,

E. L. PLUMB.

HIS EXCELLENCY SEÑOR D. SEBASTIAN LERDO DE TEJADA,
Minister for Foreign Affairs of the Republic of Mexico.

Señor Lerdo de Tejada to Mr. Plumb.

[Translation.]

DEPARTMENT OF FOREIGN RELATIONS,
Mexico, November 6, 1868.

SIR: I have had the honor to receive your note of the 20th of October last, with the copy annexed of a resolution of the Congress of the United States of America approved the 2d of March, 1867, in consequence of which, and under instructions from the honorable Secretary of State, you have been pleased to send to me, for the government of Mexico, a volume containing expressions of condolence and sympathy inspired by the assassination of Abraham Lincoln, late President of the United States of America.

I beg that you will make known to the honorable Secretary of State the very great appreciation with which the government of Mexico receives and will preserve this volume, which contains the testimonials of the just condolence and sympathy of the civilized world for the death of President Lincoln, whose memory will forever live, not only in the United States of America, but among all enlightened peoples, as that of one of the most eminent of men, for the high services that he rendered to civilization, to progress, and to the liberty of the human race.

Receive, sir, the assurance of the distinguished consideration with which I am your very obedient servant,

S. LERDO DE TEJADA.

MR. EDWARD LEE PLUMB,
Chargé d'Affaires of the United States of America in Mexico.

Señor Lerdo de Tejada to Mr. Plumb.

[Translation.]

DEPARTMENT OF FOREIGN RELATIONS,
Mexico, November 6, 1868.

SIR: I had the honor to receive your note of the 20th of October last, with the copy annexed of a resolution of the Congress of the United States of America approved the 2d of March, 1867, in consequence of which, and under instructions from the honorable Secretary of State, you have been pleased to send to me, on account of the position I then held of minister of foreign relations of Mexico, a volume containing expressions of condolence and sympathy inspired by the assassination of Abraham Lincoln, late President of the United States of America.

I beg that you will make known to the honorable Secretary of State the very great appreciation with which I receive and will preserve this volume, which contains the testimonials of the just condolence and sympathy of the civilized world, for the death of President Lincoln, whose memory will forever live, not only in the United States of America, but among all enlightened peoples, as that of one of the most eminent of men.

for the high services that he rendered to civilization, to progress, and to the liberty of the human race.

Receive, sir, the assurance of the distinguished consideration with which I am your very obedient servant,

S. LERDO DE TEJADA.

Mr. EDWARD LEE PLUMB,
Chargé d' Affaires of the United States of America in Mexico.

Mr. Plumb to Mr. Seward.

No. 218.]

LEGATION OF THE UNITED STATES,
City of Mexico, November 9, 1868.

SIR: I have the honor to transmit to the department herewith copy of the note with which I have communicated to the Mexican government the copy appended to your dispatch No. 107, of the 14th ultimo, of two dispatches received by the department from the United States vice-consul general at Havana, relating to the proceedings of Santa Anna, and announcing his expulsion from the Island of Cuba for plotting while there against the peace of Mexico; and copy and translation of a note addressed to me in acknowledgment of the same by the minister of foreign relations.

I have the honor to be, very respectfully, your obedient servant,
E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Plumb to Señor Lerdo de Tejada.

LEGATION OF THE UNITED STATES,
Mexico, November 7, 1868.

SIR: In a dispatch under date of the 25th of September last I brought to the knowledge of the government of the United States the documents published in the Diario Oficial of the Mexican government on the 24th of that month, relating to the attempted organization by the ex-General Santa Anna, at Havana, of military expeditions in the Island of Cuba for the invasion of Mexico, through the territory of the United States on the Rio Grande frontier.

This communication has been acknowledged by the Secretary of State, in a dispatch received last evening, with which there have been inclosed to me copies of two dispatches received by the Department of State from United States vice-consul general at Havana, which I am authorized to communicate to the Mexican government. One of these is a dispatch by telegraph under date of the 7th of October, and the other a dispatch in writing under date of the 6th of the same month. I have the honor to inclose copies of the same herewith.

The Secretary of State adds that there is no reason to apprehend any danger of such proceeding originating in the United States.

I have the honor to be, very respectfully, your obedient servant,
E. L. PLUMB.

His Excellency Señor D. SEBASTIAN LERDO DE TEJADA,
Minister of Foreign Relations of the Republic of Mexico.

Señor Lerdo de Tejada to Mr. Plumb.

[Translation.]

DEPARTMENT OF FOREIGN RELATIONS,
Mexico, November 7, 1868.

SIR: You have been pleased to inform me in your note of to-day that, under date of the 25th of September last, you communicated to the government of the United States

of America the documents published in the *Diario Oficial de Mexico* on the 24th of that month, relating to the machinations of the ex-General Santa Anna for the organization in the Island of Cuba of military expeditions with which to invade Mexico, passing by the territory of the United States on the Rio Grande frontier; and that you had received the reply of the Hon. Secretary of State, with copies, which you have been pleased to communicate to me, of two dispatches from the consul general of the United States at Havana, with respect to this affair, and to the expulsion of Santa Anna from the Island of Cuba.

You have also been pleased to inform me in your note that the Hon. Secretary of State manifests that there is no reason to apprehend any danger of a similar proceeding originating in the United States.

I have brought your note to the knowledge of the President of the republic, who very justly appreciates your having communicated this affair to your government, as also what the Hon. Secretary of State has been pleased to communicate to you in reply.

I am, sir, with the highest consideration, your very obedient servant,
S. LERDO DE TEJADA.

MR. EDWARD LEE PLUMB,
Chargé d'Affaires of the United States of America in Mexico.

Mr. Seward to Mr. Plumb.

No. 115.]

DEPARTMENT OF STATE,
Washington, November 9, 1868.

SIR: I have to acknowledge the receipt of your dispatch of the 2d of October, No. 198, in which paper you call my attention to a provision contained in a recent act of the congress of Mexico, which excludes foreign engineers from employment on a highway which it is proposed to build from the city of Durango to the city of Mazatlan. The exclusion, like all laws which are in the nature of monopolies, is probably as unwise for the interest of Mexico as it is inhospitable. Nevertheless, it may be regarded as the expression of a sentiment which is popular at the present moment in Mexico. I am sure that, after the experience of foreign intervention which that country has had, no one can think the sentiment unnatural, when it is regarded in that light. It is much to be desired that foreigners sojourning in Mexico, and seeking employment there, should contribute to the welfare and prosperity of their adopted country, and so lay claim to its gratitude, instead of increasing its domestic embarrassments.

I am, sir, your obedient servant,

EDWARD L. PLUMB, Esq., &c., &c., &c.
WILLIAM H. SEWARD.

Mr. Plumb to Mr. Seward.

No. 222.]

LEGATION OF THE UNITED STATES,
City of Mexico, November 14, 1868.

SIR: In dispatch No. 115, of the 21st of April last, I referred to an important vote of the Mexican congress, involving the assertion of the principle that the acts of the executive, in the exercise of the extraordinary powers conferred to meet the intervention, were subject to revision by congress.

The position so taken, which arose with reference to the Vera Cruz railroad concession, made by the executive on the 27th of November last, has since then been the subject of a severe struggle between the

opposition and the ministerial party in congress, and in the public press, varied in a measure, however, by the special questions involved in that concession.

On the opening of the present session, this was one of the questions of chief importance awaiting a solution.

If the position taken by congress at the previous session should be fully sustained, and the decree in question should be revised independent of the action of the executive, it was felt that all of the acts of the government, during the exercise of its late extraordinary powers, might at any time hereafter, by a congress embracing a larger element of opposition, be summarily taken up and declared subject to revision, and thus a degree of uncertainty would be thrown over the entire legislative action of the executive that would be most unfortunate for the country.

On the other hand, if the question should now be favorably determined, in a case affording in itself to the opposition so many points of attack, it was believed that this issue, involving a permanent vote of confidence in the executive, would be effectually terminated.

Certain features of the concession made by the government to the railroad company have, however, been considered as so objectionable, both by the members of congress in general and by the public at large, that some modifications were admitted by both parties to be necessary.

As a final result, the issue has been met by the voluntary proposal by the government, with the consent of the company interested, of certain modifications in the concession as made last November, which congress has accepted, and with which it has declared the decree of the 27th of November, made by the executive, to be in force, thus waiving the principle of the right of revision, while gaining some of the modifications desired in the special decree under consideration.

The result is considered generally, I believe, as a triumph on the part of the government in the question of the right of revision, as asserted by the vote of congress at the previous session, and has possibly set that question permanently at rest, in a sense the reverse of the position then assumed. The action I have indicated reached a conclusion by the final vote of congress on the 10th instant, and the new decree was published in the *Diario Oficial* of the 12th instant.

By the terms of this concession as originally made, and as now confirmed by the foregoing action of congress, a subvention is given to the company of \$560,000 per annum for twenty-five years.

It is also provided, article 21, that the government shall emit a special paper under the name of "Bonds of the Vera Cruz and Mexico railroad" to the amount of the above \$560,000 for each of the four years during which the construction of the road is to continue, which paper is to be admitted in payment of twelve per cent., or to the extent of the sum mentioned, of the duties of importation accruing at the ports of Vera Cruz, Tampico, Matamoras, Manzanillo, and Mazatlan.

If the twelve per cent. of the duties of importation at the five ports mentioned is not sufficient to cover the \$560,000 per annum, then the government is to pay the deficiency in money at the city of Mexico.

By article 22, it is provided that from the date of the present law it shall be obligatory upon all importers to pay twelve per cent. of the duty accruing upon effects imported, in this paper, and not in money, under the penalty of having to make a second payment of double the amount. In article 23, it is provided that the minister of fomento shall annually deliver to the railroad company, during the four years of the construction of the road, \$560,000 in the paper before mentioned, and

that the company has the obligation to maintain in the city of Mexico, and in each of the five ports mentioned, a deposit of the bonds, in order that the importers can purchase the same in due time for their requirement, in the payment of the stipulated twelve per cent. of duties on all importations.

It is also provided that the company shall not sell this paper at a higher price than the value it represents.

After the conclusion of the road, the government is to make the payment of the \$560,000 per annum in money, at the city of Mexico, in quarterly payments, and engages to continue these payments without default, and without suspension, variation, or conversion in any form whatever.

Under article 40 of the original decree, it was also provided, as I have before had occasion to advise the department in dispatch No. 44, of the 12th of December last, that until the 31st of December, 1871, or earlier if before that date the road shall be finished, the import duty called sinking fund of the public debt of twenty-five per cent., formerly required to be paid in bonds of the public debt, should be reduced to fifteen per cent., and should be paid at all of the maritime custom-houses of the republic, in shares of stock of the Vera Cruz railroad, which importers must buy for this purpose. The bonds of the public debt, interior, could be purchased at from seven to ten cents on the dollar, but shares of stock in the railroad company will have to be purchased at full rates, thus largely increasing this duty.

By the present law, this arrangement is confirmed and continued, and is extended for another year, viz: to the 31st of December, 1872, unless the road shall be entirely finished, including tunnels and bridges, before that time.

According to the custom-house returns officially published by this government, transmitted to the department with my dispatch No. 213, of the 6th instant, it appears that the amount of the above duty of fifteen per cent. at the maritime custom-houses, for the first six months of the present year, was \$455,000, thus making the amount to be given to the railroad company under this head, upwards of \$900,000 per annum.

The shares so received are to be held by the government without power to dispose of them until the road is finished.

Of the total distance between this city and Vera Cruz, of 261 miles, 133 miles have been for some time in operation, leaving 128 miles of railroad yet to be completed. On this 128 miles, before the granting of the recent concession, according to official reports of the company, upwards of fifty per cent. of the grading and masonry had been finished. The assistance, therefore, now given to the English company may be characterized as liberal, especially when it is considered that it takes from the revenue of the country, upwards of \$1,500,000 per annum at a time when, according to the report made to Congress by the minister of the treasury, on the 28th of September last, it appears that the revenue is insufficient to enable the government to pay the interest on the foreign debt.

This consideration, and the continuance in the concession of the system of additional duties, which there is a growing desire on the part of members of congress to put an end to, explains in part the motives, aside from the question of the right of revision, which have led to the opposition that has been so strongly manifested against this particular measure.

I beg to inclose to the department herewith, copies of the decrees referred to, and have alluded to the subject, both because of the interest

of the question involved in the point first mentioned, and because the concession as made is one of some public import, from the fact of its absorbing at the present time upwards of one-twelfth of the public revenues of Mexico, and its direct bearing upon foreign commerce in the stipulations as to the manner of the payment of a portion of the duties on imports, and the forced continuance of the objectionable system of additional duties.

I have the honor to be, very respectfully, your obedient servant,
E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Plumb to Mr. Seward.

No. 223.] LEGATION OF THE UNITED STATES,
City of Mexico, November 16, 1868.

SIR: Inclosed herewith I transmit to the department translation of a law passed by the Mexican congress on the 13th instant, providing for a general census throughout the republic.

By article 2 of the law the returns under the same are required to be made by the 15th of March next, in order to be published in time to serve as the basis of apportionment of deputies to the national congress in the elections which are to take place in June and July of the coming year.

I have the honor to be, very respectfully, your obedient servant,
E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

LAW PROVIDING FOR A CENSUS.

[From the *Diario Oficial*, Mexico, November 15, 1868.—Translation.]

DEPARTMENT OF GOVERNMENT.—SECTION 1.

The citizen President of the republic has been pleased to address to me the following decree:

Benito Juarez, constitutional President of the United Mexican States, to all the inhabitants of the same, be it known, that the congress of the Union has thought proper to decree the following:

ARTICLE 1. The governor of the States, of the federal district, and of the territory of Lower California, shall proceed to form a census of the inhabitants within their respective commands, immediately upon the promulgation of the present law. The census shall be concluded by the 28th day of February, 1869.

ART. 2. The general result of the census of each State of the federal district and of the territory of Lower California shall be sent by the governors to the department of government by the 13th of March next, in order that it may be published in time to serve as the basis of the general elections of deputies to the congress of the Union which are to take place in June and July, 1869.

ART. 3. The governors who do not comply with what is ordered in the present law shall suffer the penalty of suspension from their office for the term of six months to one year, according to the circumstances of their official neglect.

Hall of sessions of the congress of the Union. Mexico, November 13, 1868.

GUILLERMO VALLE, *President.*

JOAQUIN BARANDA, *Secretary.*
JUAN SANCHEZ AZCONA, *Secretary.*

Wherefore I order that it be printed, published, and circulated. Dated at the national palace in Mexico, November 14, 1868.

BENITO JUAREZ.

The Citizen JOSÉ MARIA IGLESIAS,
Minister of Government.

And I communicate the same to you for your knowledge and the consequent ends. Independence and liberty! Mexico, November 14, 1868.

IGLESIAS.

The citizen GOVERNOR of the State of —.

Mr. Plumb to Mr. Seward.

No. 224.]

LEGATION OF THE UNITED STATES,
City of Mexico, November 20, 1868.

SIR: The commission appointed by this government to revise the tariff, of which I advised the department in dispatch No. 75, of the 8th of February last, has concluded its labors, and on the 11th instant submitted a report, accompanied by the project of a new tariff, to the department of treasury. Yesterday the minister of treasury informed congress that the government is now engaged in examining the project, and will submit the same to congress at an early day.

The report addressed to the minister by the commission, which accompanied the project of tariff explanatory of the general features of the reforms proposed, has been published, and I transmit a translation of the same herewith.

From this it appears that in the new project a general reduction of duty of ten per cent. on dry goods, groceries, and common hardware is proposed, and an increase of the same amount in the duty on fine hardware.

The system of specific duties has been adopted by the commission. The free list, it is stated, has been augmented, and the quotas on articles of first necessity diminished. The commission recommends the abolition of prohibitions and the free exportation of all products, including ores, but retaining, for a time, an export duty on silver and gold, coined and in bars. To facilitate the exportation of the latter, assay offices at four of the principal ports are recommended.

The commission recommend the equal application of the tariff over all the republic, and therefore the termination of any special privileges that may have been given to certain localities.

Under the exceptional character of the case, however, in the so-called free zone of Tamaulipas, the commission state that "the establishment there of a port of deposit might be recommended, although the measure would have in its realization very grave inconveniences."

The majority of the commission, it is stated, are not in favor of the establishment of ports of deposit.

A period of sixty days for the payment of duties is recommended. It is also proposed that three-fourths of the amount of duties be paid in drafts to the order of the minister of treasury.

The commission states that it has believed it desirable to unify the duties, and recommends that interior custom-houses be suppressed. It also states, that, with reference to the form of the tariff, the metrical-decimal system has been adopted in all the calculations, the number of specifications of merchandise considerably reduced, a more regular and

compendious nomenclature adopted, and that the administrative proceedings have been simplified.

The use of stamps in place of sealed paper is also recommended.

As this latter measure has already been proposed in congress for general adoption, it is probable this reform will be accomplished.

The first great object necessary to be attained in the reform of the Mexican tariff is its simplification and the removal of restrictions. The desirable adjustment of the rate of duties will then be less difficult.

From what I learn from the government, it appears probable that after some examination of the project of the new tariff by congress, a general authorization will be given to the executive for its conclusion.

The present session of congress, it is believed, will be extended for a period of thirty days from the date fixed for its ordinary adjournment, which is the 16th proximo; but this is as long an extension as is permitted by the constitution.

Should such authorization be given, the tariff may be completed in time to go into force, perhaps, at the commencement of their coming fiscal year, viz., on the 1st of July next, which is earlier than was indicated in the notice I communicated to the department with dispatch No. 197, of the 2d of October.

I have the honor to be, very respectfully, your obedient servant,

E. L. PLUMB.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

TARIFF.

[From the Siglo XIX, Mexico, November 17, 1868.—Translation.]

TARIFF COMMISSION.

To the Citizen Minister of the Treasury and Public Credit, present :

The undersigned commissioners have the honor to inclose to your department the project of tariff, the formation of which the citizen President of the republic was pleased to intrust to them, expressing at the same time their regret that it has not been possible to remit this work before, on account of the difficulties with which they have had to contend in completing it.

The commission does not believe that it has entirely met the desires of the President, because for this it would be necessary to accord to it a perfect knowledge of all the different branches of industry, from which and from a knowledge of our fiscal legislation and of our international commerce to adjust the reform of a law as delicate as important; but, however difficult and laborious may have been the discharge of a trust to those who judge themselves insufficient for it, the zeal which is brought to the task may make amends.

A detailed report of the reforms contained in the project we present may be considered unnecessary, as neither your department nor the public would attempt to estimate the greater or less difference in the quotas assigned to the thousand articles embraced in our foreign commerce; but we believe it our duty to indicate generally the principal points to which these reforms relate, taking as their basis the development of our new institutions, as also the progress of our commerce in the twelve years that have elapsed since the publication of the ordinance now in force.

We have first to indicate that the commission does not accept entirely the idea that a reduction of the rates of duties is indispensable for the progress of a country, nor that this can be done to any great extent in those of the republic, when throughout the whole epoch of our political existence, foreign commerce has formed sixty-six per cent. of all the sources of revenue of the federal treasury.

In some countries the maritime revenues do not occupy an important place, but this difference, so remarkable, rests in a truth which cannot be placed in doubt, which is, that territorial wealth, in combination with the love of labor, begets an industry which being sufficient for domestic necessities overpasses the frontier to seek in its turn the tribute of foreign capital. Then, when production is superior, or at least equal to con-

sumption, the exchange is perfect, and the people and governments can lend to each other mutual aid without its being burdensome on the one hand, or on the other difficult to exact.

Unfortunately this advantage is very far from being realized in Mexico, not because there are lacking elements of life, but on account of causes independent of the gifts with which nature has been so prodigal to this soil, which have rendered it impossible for it to place itself at the altitude which belongs to it. Notwithstanding this, neither has the commission been prejudiced in favor of the idea that duties have a purely fiscal object, because it only admits the principle with reference to burdens upon foreign effects, that these shall be laid solely so far as may be strictly necessary; but even if it had had the intention that we should conform ourselves to the practice of other nations, no fixed principle could be adopted, for none exists, as is seen immediately from an examination of contemporary statistics, that labyrinth of principles and of numbers that points out only the imperative duty of attending to the public necessities without pre-occupying ourselves with doctrines whose practice is not observed even by those who have undertaken to proclaim them. A single example will be sufficient to prove this. Between the wealth of England and that of Spain, a comparison is not possible, and notwithstanding the first receives from its maritime revenues thirty-three per cent of the total estimates of the crown, while the second only receives ten per cent. With these observations the commission will proceed to give an idea of the general result of their labors. As a principal point they proposed to equalize the custom-house duties in the various branches of which foreign traffic is composed. For that purpose with reference to articles commonly known under the denomination of dry goods, groceries, and ordinary hardware, it has made an average deduction up to ten per cent. upon the existing tariff, and an increase of the same amount upon fine hardware.

At first view it might be believed that the total receipts would be reduced thereby, as the importation of the former is greater than of the latter; but having abolished the system of collection upon the value of the invoice, which in medicinal drugs, chemical products and other articles gives rise to a punishable abuse, doing the same with the system of appraisement, and placing upon all these articles fixed quotas, comprehending in these textile fabrics containing different materials, and those composed of different materials in other articles, it is evident that the federal treasury will receive all its duties in avoiding the possibility that now exists of the price of an article being placed at ninety per cent. below its cost, or of eluding the just payment because a texture of wool has a thousandth part of cotton. From this it results that while private interests will not be burdened, the maritime revenues should have an increase of at least ten per cent. And this increase, which, without burdening legitimate commerce, is not doubtful for the federal treasury, will be certain for the municipalities in whose favor the commission recommends the payment of twenty cents for every one hundred kilograms of gross weight upon imported merchandise, that now collected under the ordinance in force being only twelve and a half cents for every two hundred Spanish pounds, which is with little difference the same proportion; and for rendering effective this benefit to the municipalities, which is repugnant to no one, they propose in the mode of payment an efficacious means by which each treasury will receive what belongs to it, because from the contrary we might see with regret the federal treasury absorb in periods of great distress even those funds which are dedicated by their institution to objects of benevolence, public instruction, and the material necessities of the various populations.

In so far as possible we have taken a step forward in conformity with the ideas of liberty which dominate throughout the republic, augmenting the free list by a number of articles and diminishing very sensibly the quotas on those of prime necessity, and upon instruments and ingredients which are necessary for the national industry.

For the first we have had the design of facilitating by this means the increase of our internal traffic, furnishing at lower prices all that it may be necessary to acquire from foreign commerce, and for the second that of rendering to the agricultural and mining interests an immense benefit, by placing the poorer classes in a position to labor with less inconvenience.

The commission has believed it equitable, necessary, and economical to abolish the pernicious system of prohibitions; for which reason, and in deference to a constitutional precept, it recommends that there should be none upon importations, combining with this idea that of the free exportation of all of our products, giving in this manner the last blow to the remains of the colonial system, which has been so untoward for the public wealth through the monopolizing of our natural products; and if in this part the desires of the undersigned and those especially manifested by other nations are not fully met, it will serve as an excuse for the small exception that is made of silver and gold, coined and in bars—the consideration that the treasury would be suddenly deprived of a resource which for the present there is no means of compensating, at the same time that the debt would be augmented, all of the mints not being under the immediate control of the government.

Later this measure may be recommended in accordance with the interests of our

industrial classes, there being sufficient for the present: the indubitable benefit which will be afforded to them by the free exportation of ores, the value of which is now in a great part nominal, either from natural difficulties in the situation of the veins, or because our system of reduction is too expensive, or not adapted to the chemical character of many ores. But in order that the article to which we have referred at the beginning of this paragraph may have its due effect, the commission believes that the establishment of assay offices, as departments of the maritime custom-houses of the four ports therein mentioned, is desirable. The increase in the annual appropriations will be compensated by the expenses of assay which the introducers will have to pay.

From the removal of prohibitions there follows, as a necessary consequence, the abolition of certain privileges accorded by the ordinance of 1856 and by subsequent laws in favor of various ports. These privileges cannot subsist, because they are pernicious and unjust, inadmissible and condemned in the fiscal legislation of all the world, as also expressly and absolutely condemned in our fundamental charter. The first, because in making concessions to one locality for a given motive there is no reason for refusing the same to another, if alleging the same or other grounds; and in such case, by privilege on privilege, the federal revenues would be very seriously diminished.

The second, because in the benefits of a law there should be included all the inhabitants of the republic, whatever may be the place of their residence, and the industry or labor to which they are ordinarily dedicated.

The third, because the basis upon which a maritime tariff should rest is uniformity, favoring by this means, justly and equitably, the diverse and complicated operations of foreign commerce, and avoiding also the inequality in prices which would occur from the authorized monopoly, in the interior of the country, of the importers who had obtained such advantages.

And finally, under article 28 of our constitution no one can sustain that, from geographical considerations, or from the configuration of certain localities, the sacrifice of a principle should be obligatory to the denial of other rights and other interests.

Above all, by fixing the view for an instant upon the map of the republic, it will be seen immediately how marked is the difference which should equitably be made between the merchants of the two coasts; those of the Gulf having their markets in direct communication, while those of the Pacific have to make the round of all the continent.

Even in this manner the idea is not exact, for the climate, the configuration of each bay, the direction of the currents, the customs of each people, their local governments, and a thousand other causes, influence directly in the progress or depression of their commerce.

This admitted, it places your department under the impossibility of conceding exemptions and privileges to specified ports. Notwithstanding, under the exceptional character of the case in the so-called free zone of Tamaulipas, the establishment there of a port of deposit might be recommended, although the measure would have in its realization very grave inconveniences.

Another idea the commission believes it should recommend, because it is required for the popular administration of justice. Until now there has passed unperceived all of the grave, inconvenient, and immoral that there is in the authorization that the fiscal agents should be participators in the pecuniary penalties imposed upon contrabandists; and if this principle is universally rejected by modern legislation, in so far as relates to trials, whose conduct pertains to independent tribunals, with how much more reason should it be repugnant when these trials are commenced, and sentence is rendered by the individuals to whom the law assigns a part of the fine. The commission does not reflect upon the integrity nor the very respectable number of persons who fill these posts, by supposing that the inducement thus presented is the only stimulant for compliance with their duty; but the fact is, citizen minister, that the judge should not have before himself even the shadow of what might affect the rectitude of his acts. If, notwithstanding what has been stated, your department has a different opinion, the undersigned believe that the articles relative thereto should remain in the project without any alteration, with the reservation of recommending an increase of salary to the employers, to whom, by the adoption of this principle, prejudice would result.

Having thus set forth the principal points of our work, we will descend to other particulars. The commission has believed it desirable to unify the duties, as well because it is in conflict with our system to have special funds, as because this measure is the most facile for the relief of the material labor in the maritime custom-houses.

For the same reason, there being now no object whatever for the subsistence in the interior of the republic of collecting offices for federal revenues, as all of the duties are to be paid in the maritime custom-houses, it being a fact that, in compliance with a constitutional precept, the interior custom-houses have already been suppressed in various States, the commission recommends that all documents whose issuance was required under the old system be reduced to a single one, which shall consist of a certificate that such merchandise has been legally imported, the circulation of nationalized effects in the interior being as a consequence free.

Notwithstanding this and of the conviction of the undersigned, that without very grave inconveniences for commerce, and without a new and considerable burden for the treasury, no system of vigilance can be established which will fully protect the public interests, the commission judges that the most practicable means, the most liberal and the most efficacious, that can be put in practice, is no other than that of guarding our coasts, which object can be very well attained by establishing a maritime guard in small steam-vessels.

In the commission, by one of its members, the establishment of ports of deposit was proposed, but the idea was not accepted by the majority, it being adopted in place thereof that the payment of duties should be made at an extension of time relatively small, compared with their ordinary and total amount. The commission does not believe that this can be prejudicial to the government, because as a final result for it this term will be but for once, as the first period of sixty days having been passed, the importations will then follow in continuous payments, and the treasury will receive its funds without any interruption; and precisely on account of the idea that the commission has had of protecting these receipts from the abuses which have been committed by various military authorities in consort with the collectors of the custom-houses, it proposes that three-fourths part of the duties shall be paid in drafts to the order of your department, in order that that provision shall serve as a legal excuse for all who take part in this act.

It is possible that the committee has neglected to refer to some other points of importance in the project, but it reserves itself to do so in a more detailed manner, when your department shall believe it necessary to call for the same.

With reference to the form and mode of the tariff, the metrical decimal system has been adopted in all the calculations; the number of specifications of merchandise has been considerably reduced; a more regular and compendious nomenclature has been given to the body of the tariff; the administrative proceedings have been simplified, and the interests of the treasury have been assured in the best possible manner, without losing sight on this account of the principle of equity to which those who contribute to the public funds are entitled.

The national marine preserves in the new project the place that belongs to it, without this preference conflicting with the principle of liberty which has been its basis.

Finally, in order to facilitate the dispatch of foreign merchandise the undersigned propose that in place of the sealed paper that is now in circulation, the use of stamps be introduced for maritime transactions, the value of which to be as specified in the articles relating thereto.

By this means, which is the most economical for the federal treasury, a step will be taken far in advance towards the attainment at a later moment of their entire adoption in all that relates to official acts.

In fine, citizen minister, the project that we have the honor to present to you embraces all the reforms that are now recognized as desirable in the best revenue systems; in so far as our inability has permitted, we have overlooked nothing; and if our work is not perfect, it will be at least preparatory to another which may be carried into effect by persons who may have the advantage over us in information, but not in desire to serve the interests of the republic. Notwithstanding this, we have the conviction that the project will have its detractors, because it is difficult, if not impossible, to satisfy all the diverse interests created, either by custom or by the law, although in the one case they may be pernicious, and in the other undesirable.

It would be unjust not to make mention of the names of Messrs. Theodore Rapp, Luis de Vivanco, Alfred Wisel, Augustin Holting, and Carlos Nieth, who with their knowledge have contributed efficaciously and spontaneously to the discharge of our trust. We believe, therefore, that we should express in this note the testimony of our gratitude and recognition, anticipating that which should be given by your department.

We protest to you with this occasion the assurances of our respect and esteem.

Independence and liberty! Mexico, November 11, 1868.

JULIO F. MHINK.
MIGUEL GUTIERREZ.
R. G. GUZMAN.
JESUS CASTAÑEDA.

Mr. Plumb to Mr. Seward.

No. 230.]

LEGATION OF THE UNITED STATES,
City of Mexico, December 2, 1868.

SIR: I transmit to the department herewith copy and translation of a law passed by the Mexican congress on the 24th ultimo, officially pub-

lished to-day, relating to differential duties, and establishing a premium of fifteen dollars per ton on the construction of vessels in the republic.

I have the honor to be, very respectfully, your obedient servant,
E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

DECREE RELATING TO DIFFERENTIAL DUTIES, AND ESTABLISHING A PREMIUM ON THE CONSTRUCTION OF NATIONAL VESSELS.

[From the Diario Oficial, Mexico, December 2, 1868.—Translation.]

DEPARTMENT OF TREASURY AND OF PUBLIC CREDIT.—SECTION 1.

The citizen President of the republic has been pleased to address to me the following decree:

Benito Juarez, constitutional President of the United Mexican States, to all the inhabitants of the same, be it known:

That the congress of the union has thought proper to decree the following:

The congress of the union decrees:

ARTICLE 1. If effects imported or exported in Mexican vessels are subjected in the ports of another nation to the payment of differential duties, the effects imported or exported in vessels of that nation, proceeding from said ports, and which arrive in those of the republic, shall be subjected to the payment of the same duties.

ART. 2. Two nautical schools shall be established; one in the port of Campeche, and the other in that of Mazatlan, for the instruction of youth destined for service in the national marine.

ART. 3. With reference to said schools the decree of the 30th of May, 1857, is declared in force, with the sole modification that there be added to the estimate of the monthly expenditures of the said nautical schools the sum of seventy dollars for the salary of a professor of the French language.

ART. 4. There is conceded to the constructors in the republic of national vessels, which measure from one hundred tons and upwards, a subvention of fifteen dollars per ton, which subvention shall be paid by order of the minister of fomento immediately that the vessel constructed shall be launched.

Hall of sessions of the congress of the Union. Mexico, November 24, 1868.

R. G. GUZMAN, *Vice-President.*

JOAQUIN BARANDA, *Secretary.*

JUAN SANCHEZ AZCONA, *Secretary.*

Wherefore I order that it be printed, published, circulated, and that due compliance be given to it.

PALACE OF THE GENERAL GOVERNMENT, Mexico, November 24, 1868.

BENITO JUAREZ.

To the Citizen MATIAS ROMERO,
Minister of Treasury and Public Credit.

And I communicate the same to you for your knowledge and the consequent ends. Independence and liberty! Mexico, November 24, 1868.

ROMERO.

Mr. Plumb to Mr. Seward.

No. 231.]

LEGATION OF THE UNITED STATES.

City of Mexico, December 2, 1868.

SIR: I have the honor to transmit to you herewith a copy of a note and its accompaniments, which I have to-day received from the Mexican minister of foreign relations, relating to the outrage inflicted upon certain citizens of the United States at Monterey, in the month of April last.

I also transmit herewith a copy of my note in reply.

I have the honor to be, very respectfully, your obedient servant,
E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Plumb to Señor Lerdo de Tejada.

LEGATION OF THE UNITED STATES,
Mexico, December 2, 1868.

SIR: I have received the note which you have addressed to me under date of the 1st instant, and the copies annexed thereto, of communications exchanged between your department and the governor of the State of Nuevo Leon, relating to the occurrence which took place with reference to certain citizens of the United States at the city of Monterey, on the night of the 21st of April last.

In reply I have to state that I will at once transmit a copy of your note and its accompaniments to my government.

I have the honor to be, very respectfully, your obedient servant,

E. L. PLUMB.

His Excellency Señor D. SEBASTIAN LERDO DE TEJADA,
Minister of Foreign Relations of the Republic of Mexico.

Señor Lerdo de Tejada to Mr. Plumb.

[Translation.]

DEPARTMENT OF FOREIGN RELATIONS,
Mexico, December 1, 1868.

SIR: In your note of the 7th of August last you referred to the case of certain citizens of the United States of America who complain of bad treatment received in the city of Monterey, on the night of the 21st of April last.

In a reply, dated 11th August, this department stated, that if the complaint of those citizens of the United States was well founded, the government of the republic would have the subject investigated and the guilty punished; and information on the subject has already been asked for.

The government of the State of New Leon transmitted to this department, on the 25th of August, a report of the examination of the accused, and stated that justice would soon be rendered in the case. This report was not communicated to you because the case had not been decided. As judgment has not yet been rendered, further information has been asked by this department.

In the mean time I think proper to send you the information that has come to hand.

No. 1 is the communication addressed to the governor of New Leon, on the 9th of May, as soon as I heard of the outrage on American citizens, through the newspapers, inquiring about the facts, and ordering an investigation and subsequent report of the trial.

No. 2 is the report made by the governor of New Leon, on the 22d May, stating that the investigation had not been made, and that no officials had taken part in the offensive acts.

No. 3 is the communication from this department to the governor of New Leon, dated 11th August, asking for a minute account of the affair, and ordering a judicial investigation.

No. 4 is the communication of the 23d of August, from said governor, acknowledging the receipt of the note of the 11th from this department; and No. 5 is the report of the 25th August, by said governor, as before stated.

This report comprehends the chief points in the judicial process, showing that complainant's conduct had given good cause for their arrest; that plaintiffs had made no accusation, but asked for an ordinary judicial investigation; that the jailor who had confined them for one night had been removed, and that he and his associates would be tried for their offenses.

I also sent you a copy of the communication addressed to said governor yesterday, instructing him to report proceedings, as soon as the case was decided.

The government will see that satisfaction is made in the case, and the guilty punished.

Most respectfully, your very obedient servant,

S. LERDO DE TEJADA

Mr. EDWARD LEE PLUMB,
Chargé d'Affaires of the United States in Mexico.

[Translation.]

DEPARTMENT OF STATE, OFFICE OF FOREIGN RELATIONS—AMERICAN SECTION.

The Monterey newspaper entitled *El Atalaya*, states that six American citizens were arrested by the governor's order, and suffered ill treatment in the prison of that city; it says, however, that they were soon set at liberty, and that the mayor was having the case investigated.

In view of this the President of the republic orders you to report the facts, and if true, to have the guilty tried and punished by the proper judicial tribunal.

Independence and liberty! Mexico, May 9, 1868.

LERDO DE TEJADA.

The GOVERNOR of the State of New Leon, at Monterey.

[Translation.]

GOVERNMENT OF THE STATE OF NEW LEON.—NO. 10.

In obedience to orders from the President of the republic, in a note from your department, dated May 9, I state: That the foreigners referred to by the *Atalaya* of this city were arrested by the police and taken to jail for drunkenness and rioting, as shown by documents on file; that they complained to the judge of the State of ill treatment in jail; and that they were tried the day after their arrest.

This is all I can say positively; but all impartial judges think the facts greatly exaggerated in the newspaper, and the proprietors have been justly reprimanded for the publication of the article. No public officials took part in the outrages referred to.

I have transmitted the dispatch from your department to the proper judge, ordering a prompt investigation and subsequent report to supreme authorities.

Independence and liberty! Monterey, May 22, 1868.

G. TREVIÑO.

NARCISO DAVILO, *Secretary*.

The MINISTER OF FOREIGN RELATIONS, *Mexico*.

[Translation.]

DEPARTMENT OF STATE, OFFICE OF FOREIGN RELATIONS—AMERICAN SECTION.

A dispatch was sent to you from this department, on the 9th of May last, ordering an investigation of the occurrences in your city on the night of the 21st April, relating to the treatment of certain American citizens, who were put in jail for riotous conduct. On the 22d of the same month you replied that the *Atalaya* of your city had published an exaggerated account of the affair; that no public official had taken part in the outrage; and that a trial had been ordered, and a report would be made of the proceedings.

We have been waiting for the result of the investigations, and, though three months have passed, no further report of the case has been made to this department.

For these reasons the President of the republic orders that you make a full report of the case, by the *next mail*, to this department, so that a proper understanding may be had by the supreme authorities, inasmuch as the government of the United States has made inquiry, and no answer can be given until your report is furnished.

Independence and liberty! Mexico, 11th August, 1868.

MANUEL AZPIROZ,

Chief Official.

The GOVERNOR of the State of New Leon, in Monterey.

[Translation.]

GOVERNMENT OF NEW LEON.—NO. 26.

I have the honor to reply to the dispatch from your department of the 11th instant, asking information of the events of the 21st of April last, in this city, in reference to the alleged maltreatment of American citizens on that night. The account you ask for will be forwarded by next mail. Your communication has been transmitted to the chief justice of the State court.

Independence and liberty! Monterey, 23d of August, 1868.

G. TREVIÑO.

CARLOS F. AYALA, *Chief Official*.

The MINISTER OF FOREIGN AFFAIRS, *Mexico*.

[Translation.]

GOVERNMENT OF NEW LEON.—NO. 27.

The chief justice of the supreme court of this State reports this day as follows:

"In order to expedite the business of procuring the information desired by the department of foreign relations, as expressed in the communication which you sent to me yesterday, I gave a verbal notice to the judge to order the case before him, on petition of the foreigners referred to in the communication, and have a legal investigation instituted as soon as possible, although all the witnesses might not be ready to give their testimony.

"The judge has obeyed the order, and the result was sent to the chief justice on the 30th day of April, for his confirmation."

The report of the case is as follows:

"In conformity to the order which I received yesterday from the citizen president of the supreme tribunal of justice of this State, to investigate the present condition of the cause instituted against the ex-Alcalde Juan N. Vara, and his accomplices, for maltreatment of certain strangers on the night of the 21st of April last, and on the morning of the next day; and in view of the communication of the 11th instant from the department of foreign relations, which was addressed to the governor of the State, and sent by him to this supreme tribunal, I proceed to give due fulfillment to that superior order.

"On the 22d of April of the present year the foreigners, Ernest F. Luckhardt and F. F. Potter, presented a petition to the judge of the first court of record in the first judicial district of this State, asking that prosecution be commenced against the prisoners, Adrian Alguin, Pedro Marroquin, and Lorenzo Chapa, and the Alcalde Juan N. Vara, for outrages received by the three former when they were taken to jail, and for the participation of the alcalde in the violence offered by those mentioned as having taken the complainants to jail on the night of the 21st of the month already specified, adding these words in the report: 'As to the person whom we consider as the primordial cause of all this, we reserve our rights to promote what is most convenient.'

"Soon afterwards the court opened the investigation of the case with corresponding zeal, receiving, with the greatest activity, all the depositions which he thought to be pertinent to the case, among them the depositions of the accusers and of the accused, and of other persons cognizant of the events. According to the evidence collected, it seems that on the night of the 21st of April the accusers and four other strangers, with a few Mexicans, who came in about eleven o'clock, entered the drinking-house called the *Gran Sociedad*, situated in Doctor Meir street, and having imbibed freely of intoxicating drinks, became drunk, and made much noise, when citizen Davila, (Narciso,) acting secretary to the governor, who lives in the state-house, sent for the chief of police to stop the disturbance. Thereupon a corporal and two police assistants came to the place, and finding the rioters had left the drinking-house and gone into the street fronting the place looking towards the east, called out *halt!* as is customary, and *quien vive!* who goes there! and the reply was, *Mejico*, as the police and other witnesses testify; and then the strangers uttered curses, when they were arrested and taken to jail by the police, after consulting with citizen Narciso Davila, who was in his room. The persons arrested were, however, first taken before the alcalde, who ordered them to jail, where they were taken by a proper mandamus.

"During that night, and on the morning of the following day, Alguin, Marroquin, and Chapa, who were appointed to preserve order in the jail, maltreated the prisoners by word and deed, and even struck two of the foreigners, giving as a reason for it that they had disobeyed orders and violated the regulations of the place, and because they refused to work at cleaning the premises, such as sweeping up the filth and carrying out the barrel in which it was put.

"For these acts it was declared that the alcalde and his accomplices, three in number, were liable to prosecution for these outrages to the foreigners, and the alcalde was removed from office, and the other men were put in jail; but the alcalde had to give security for his appearance, and the others were to be tried for taking the strangers to jail for disturbing the peace.

"The accused appealed from this judgment to the supreme court of the State; which judgment having been considered, was confirmed by said court.

"Having heard the confessions of the accused, time was given to the prosecutors to prepare their case. This was made on the 25th of June last, in the following terms:

"We have determined to take no part in this criminal prosecution, but hope the authorities will punish the guilty for their mistreatment of us, and this we are sure will be done by the just and impartial authorities to whom we trust the case."

"After making this declaration, the accusers reserve the right of taking testimony hereafter, if necessary, in case of further claims or complaints; for they say this suit

only concerns the alcalde and his agents, who committed the outrages on the night of the 21st and the morning of the 22d of April last.

"After the 25th of June the trial came on, and progressed rapidly considering the number of witnesses to be examined, and the penalties to be inflicted upon the guilty; and the record in the case already amounts to 122 pages of writing.

"Some of the accused furnished counsel, and it was granted to the others by the court, each one having a separate lawyer, as the cases were different in criminality. All have made their defenses, and one of them occupied four days in producing his evidence. The accused are still in jail, and will not be released until their sentence is passed.

"Such is a summary of the conditions of the suits; but nothing positive can be said until the trials are concluded.

"In furnishing you the above information, I have the honor to be yours, &c.,
"MANUEL Z. GOMEZ."

And I have the honor to transmit it to you, in compliance with my promise to you on answering your dispatch of the 11th of the present month.

Independence and liberty! Monterey, 25th August, 1868.

G. TREVIÑO.

CARLOS F. AYALA, *Chief Official.*

The MINISTER OF FOREIGN RELATIONS, *Mexico.*

[Translation.]

DEPARTMENT OF STATE.—OFFICE OF FOREIGN RELATIONS—AMERICAN SECTION.

In the report you made to this department, on the 25th of August last, of the case of certain American citizens who suffered maltreatment on the 21st of April last, you said the case would soon be decided and the guilty duly punished. As I have not yet heard of its termination, I again address you, by order of the President of the republic, to know what has been done in the case since the 25th of August last, requesting you to send a copy of the judgment as soon as pronounced. If the trial is not yet over, you will do all you can to expedite the process, and have it brought to a conclusion as soon as possible.

Independence and liberty! Mexico, November 30, 1868.

LERDO DE TEJADA.

The GOVERNOR of the State of New Leon, at Monterey.

Mr. Plumb to Mr. Seward.

No. 232.]

LEGATION OF THE UNITED STATES,
City of Mexico, December 3, 1868.

- SIR: I had the honor on the 3d ultimo to receive your dispatch No. 105, of the 30th of September last, relating to the existence on the Mexican bank of the Rio Grande of a belt of country which is free from import duties on commerce, and inclosing a copy of a note addressed to you by the Secretary of the Treasury on that subject.

In compliance with the authorization contained in your dispatch to confer with the Mexican minister for foreign affairs upon this subject, I had interviews with Mr. Lerdo de Tejada on the 6th and 25th ultimo, at which the existing arrangement on the Rio Grande frontier was fully discussed; and at an interview on the 2d instant it was again referred to.

By the same mail which brought me your dispatch I received from the department a copy of the published diplomatic correspondence for 1867, in which (vol. ii, p. 412) is inserted the letter I addressed to you from New Orleans, on the 7th of June, 1867, upon the subject of this objectionable arrangement on the Mexican frontier, and especially as relates to the facility thus given to the port of Matamoras to become simply a port of free deposit for effects from Europe for the purpose of

their illicit introduction across the narrow Rio Grande into the United States.

This communication, presenting fully the views I could now only reiterate verbally, I brought to the attention of Mr. Lerdo in our first interview, and I left with him the volume that he might, as he proposed, have the letter translated and laid before President Juarez.

I also communicated to him at that interview the substance of your dispatch, and of the note of the Secretary of the Treasury, with the communication thereto annexed.

Subsequently I thought it desirable to communicate to Mr. Lerdo, unofficially, a copy of your dispatch and its accompaniments, and did so on the 27th ultimo, with a note, of which a copy is inclosed herewith.

I also communicated to him, unofficially, in a note under date of the 28th ultimo, a printed slip containing the resolution relating to this free zone adopted by the House of Representatives of the United States on the 9th of June last.

A copy of my note and inclosure is herewith transmitted. I also transmit a copy and translation of Mr. Lerdo de Tejada's two notes in reply.

Since my arrival here in October of last year, I have, on frequent occasions, as the opportunity has offered, made reference, in my conversations with members of the government and with their public men generally, to the desirability and justice to commerce of having their national tariff, whatever it might be, made equally applicable over all parts of the republic, that the importer of foreign effects at one point or port might be placed on a just and fair equality with those at all others; and I have urged, so far as I properly could, the propriety, both in the interest of Mexico and from comity to the United States, of the termination of the arrangement now existing on the Rio Grande frontier.

I have, also, since the appointment on the 24th of January last of a commission to revise the tariff, sought such opportunities as I properly could to present these views to the members of that commission.

The ground, therefore, had been well prepared for a direct conference upon the subject with this government, and your instruction was most timely. In my interview with Mr. Lerdo on the 6th ultimo, I referred to the statement, published in the *Diario Oficial* of the day before, of the receipts at each of their different custom-houses, both maritime and frontier, by which it appears that the total receipts at all of the frontier custom-houses of the republic and at the port of Matamoras, for the first six months of the present year, amount only to less than \$400,000, or at the rate of say \$800,000 per annum.

Assuming the average rate of duties under the existing tariff to be fifty per cent., the above sum of duties would therefore represent a legitimate commerce of only about \$1,600,000 per annum, while it is notorious that the commercial movement on that frontier and from Matamoras into the interior of the republic must be of vastly greater amount. A large contraband trade from the free zone into the interior of Mexico, to the detriment of the national revenues of the republic, appears, therefore, to be evident.

I also referred to the fact that the authorities of the State of Nuevo Leon, which is just without the free zone, have petitioned the general government for its abolition, representing its evil effects upon their commerce and the public revenue, as have also the ports of Tampico and Vera Cruz, whose importations are necessarily placed at great disadvantage by the evidently fraudulent introduction into the interior, by

way of Matamoras and of the free zone, of merchandise there held free of duty.

Mr. Lerdo replied that he was aware of these representations that had been made, and was sensible of the disadvantages to their revenue, to which I had alluded; that the subject of this free zone was now under consideration by the government in connection with the reform of their tariff; and that while he had borne in mind the observations that on several previous occasions I had unofficially made to him upon this subject, full consideration would be given to what I had now, under the authorization of my government, brought to his attention.

That one difficulty that had weighed against terminating this system on the Rio Grande was the entire destruction that, it was urged, it would bring upon Matamoras, but that perhaps that effect might be avoided by the establishment of a system of bonded warehouses, such as maintained in the United States, and allowing merchandise to remain in the same for a certain time before the payment of duty.

I replied for the first point that I could hardly believe it probable that the result he apprehended with reference to Matamoras would be realized; that legitimate commerce must in the end be a benefit, rather than an injury, to any place, and there seemed to be a positive necessity, in justice to commerce at the other ports of the republic, to have a common tariff maintained equally applicable everywhere.

Mr. Lerdo made some reference to the feeling that might be raised on the immediate frontier against the government by the abolition of privileges that had been so long conceded.

On the 17th ultimo the report just made of the commission to revise the tariff, a translation of which I transmitted to the department with my dispatch No. 224 of the 20th ultimo, was published. In it the commission recommend the abolition of the free zone.

In my interview with Mr. Lerdo on the 25th I referred to this report, and I inquired whether the position thus taken by the commission would be sustained by the government.

Mr. Lerdo replied that the report had not yet been fully considered by the cabinet, and he could not say what the decision would be, but he thought the feeling in congress, and the tendency of public opinion generally, was inclining towards the suppression of the free zone.

So far as the subject had been discussed in the cabinet and between himself and the President, the inclination was such as to lead to the probability of final action in the matter, so far as it might depend upon the executive being in accord with the recommendation made by the commission. That if the tariff should be taken up exclusively by congress, he could not say what its action might be upon this point. Nor if the new tariff should be left, under some general authorization, to the executive to conclude, could he yet positively say that it would be determined to abolish the free zone entirely, or what means of meeting the conflicting interests involved would be finally adopted. There was a very strong opposition from Matamoras against any change, and the evening before a representative from there had had a conversation with him of over two hours, in which some arguments, which were new to him and which appeared to have weight, were urged in support of the existing system. They were more of a local character, however, and of detail, and could not fully weigh against the general principles and the international bearings of the question which I had laid before him.

I then went over the ground again of the various arguments in favor of the equal application of the tariff of the country to all parts of the republic alike; to the fallacy of the representations made by interested

parties that contraband trade could be more easily prevented under the present arrangement than if the free zone was abolished, and to the grave inconveniences arising to the United States from the liberty now extended to the merchants in this free zone to land and hold merchandise there from Europe without the payment of any duty, and the facility thereby afforded of fraudulently introducing the same into the United States across the slight barrier of the Rio Grande.

I also urged, that as the conviction had been created in the United States, on the part of our public men generally, that this arrangement maintained by Mexico, while it was of no advantage to the republic at large, was one of serious detriment to the United States, it became a question of mutual concern on the part of the governments of the two countries to endeavor, if possible, to remove this cause of undesirable prejudice.

Mr. Lerdo, at the conclusion of our conversation upon this point, stated that the government would earnestly seek to find such solution of this matter as, while not altogether occasioning the evils apprehended by some from the entire suppression of the free zone, would yet meet the views I had expressed, and also satisfy the principle of uniformity in their new tariff. He was inclined now to think that this might be obtained by establishing, in Matamoras and at the other points of entry on the frontier, a system of bonded warehouses such as prevailed in the United States, and that thus the systems on the two sides of the frontier might be made identical. If authorization should be given, as he thought probable, to the executive to conclude the adjustment of the new tariff after the project shall have been submitted to congress, it would then be in the power of the executive to treat this subject in the final framing of the tariff regulations, and the desires of the executive would be as he had indicated.

In my interview with Mr. Lerdo on the 2d instant I inquired if any decision upon the subject had yet been arrived at by the cabinet which I could communicate to my government as final. He replied that there had not.

My impression is that, with the influence that has now been brought to bear, the suppression of the free zone of the Rio Grande, and the application there of the national tariff the same as in all other parts of the republic, may be effected, unless some political obstacle shall intervene, either in the adoption of the new tariff or at the session of congress, which takes place in April and May of the coming year.

The continuance much longer of the existing arrangement does not now appear to be probable.

I have the honor to be, very respectfully, your obedient servant,
E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Plumb to Señor Lerdo de Tejada.

MEXICO, November 27, 1868.

DEAR MR. LERDO: Although, as you will observe, I am not especially instructed to do so, there may be no impropriety, but, on the contrary, it may be of convenience to the Mexican government that I should give you a copy of the note addressed to me by the Secretary of State of the United States, and of the note inclosed therewith from the Secretary of the Treasury, upon the subject of the free zone on the Rio Grande frontier, regarding which I have had the pleasure to confer with you in our interviews of the 6th and 25th instant.

I have, therefore, the honor unofficially to inclose to you a copy of the said notes herewith.

I am, with the highest respect, your most obedient servant,

E. L. PLUMB.

HON. SEBASTIAN LERDO DE TEJADA, *&c., &c., &c., Present.*

Señor Lerdo de Tejada to Mr. Plumb.

[Translation.]

MEXICO, November 27, 1868.

MY DEAR SIR: I have received the copies which you have been pleased to send to me unofficially with your letter of to-day of the note addressed to you by the Hon. Secretary of State of the United States, and of the note annexed of the Hon. Secretary of the Treasury, upon the subject of the free zone on the Rio Grande frontier, with reference to which we conferred in our interviews of the 6th and 25th instant.

As I had the pleasure to state to you in those interviews, the government has been occupied, and will continue to give its attention to this matter with the serious consideration that it merits.

I am, sir, very respectfully, your obedient servant,

S. LERDO DE TEJADA.

MR. EDWARD LEE PLUMB, *&c., &c., &c.*

Mr. Plumb to Señor Lerdo de Tejada.

MEXICO, November 28, 1868.

DEAR MR. LERDO: As a matter of information I beg to inclose to you, unofficially, the herewith slip, containing a resolution which appears to have been adopted by the House of Representatives of the United States, on the 9th of June last, touching the subject of the zone libre on the Rio Grande frontier.

I am, with the highest respect, your most obedient servant,

E. L. PLUMB.

HON. SEBASTIAN LERDO DE TEJADA, *&c., &c., &c., Present.*

HOUSE OF REPRESENTATIVES,
Washington, June 9, 1868.

THE FREE PORTS ON THE RIO GRANDE.

Mr. Blaine (Rep., Maine) offered the following resolution, which was adopted:

Resolved, That the Committee on Foreign Affairs be instructed to inquire whether the action of the Mexican government in establishing free ports at Matamoras and other points on the Rio Grande is not in violation of treaty stipulations, and unfriendly to the commercial rights of the country.

Señor Lerdo de Tejada to Mr. Plumb.

[Translation.]

MEXICO, November 28, 1868.

MY DEAR SIR: I have received your letter of to-day, with which as a matter of information you have been pleased to inclose to me, unofficially, a printed slip, containing a resolution that appears to have been adopted by the House of Representatives of the United States of America on the 9th of June last, upon the subject of the free zone on the Rio Grande frontier. As I stated to you in my letter relating thereto of yesterday, the government has considered and will continue to occupy itself in considering this subject with that attention its importance requires.

I am, sir, very respectfully, your obedient servant,

S. LERDO DE TEJADA.

MR. EDWARD LEE PLUMB, *&c., &c., &c.*

Mr. Plumb to Mr. Seward.

No. 233.]

LEGATION OF THE UNITED STATES,
City of Mexico, December 7, 1868.

SIR: In a letter under date of the 19th ultimo, which I have received to-day from Mr. Ulrich, the efficient consul at Monterey, he has inclosed to me a copy of the *Periodico Oficial* of the government of the State of Nuevo Leon, of the 18th of last month, which contains the sentence pronounced under date of the 11th of November, by the supreme tribunal of justice of the State, in the matter of the outrage inflicted upon certain citizens of the United States at Monterey, in the month of April last.

I transmit to you herewith the copy so received of the said sentence.

I have the honor to be, very respectfully, your obedient servant,
E. L. PLUMB.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Translation.]

No. 33.—OFFICIAL GAZETTE OF THE STATE GOVERNMENT OF NEW LEON, MONTEREY,
NOVEMBER 18, 1868.

Sentence pronounced by the first chamber of the supreme court of justice of the State in the trial instituted on the petition of the American citizens, Ernest F. Luckhardt and F. F. Potter, for abuses committed in the prison of this city.

MONTEREY, November 11, 1868.

This cause being looked into, on the application of Ernest F. Luckhardt and F. F. Potter, the first married, aged twenty-five, merchant, residing in this city, and citizen of the neighboring northern republic; and the second, also citizen of this republic, with residence in New York, bachelor, merchant, twenty-four years of age, in consequence of their having been taken on the night of the 21st April last, in company with four other friends and countrymen, to the public prison, where they were all grossly insulted in language, especially the two complainants, who suffered in addition some blows, struck by various prisoners with a cowhide. In view of the declarations made by them and their companions in prison, Santiago P. Montgomery, Samuel B. Halhirens, Lewis P. Zappe, and Enrique Reis; those of the corporal and policemen who took them to the prison; that of the secretary of the government, Narcisso Davila; those of J. O. Margain, Augustin Valadez, Cayetano Arenal, and Alberto Fahremberg, who also were in company with these apprehended until the moment when they were led to prison; that of the Alcalde Juan N. Vara, and of the arrested Adrian Olguin, Pedro Marroquin, and Lorenzo Chapa, together with the other declarations made by the witnesses examined in this brief, and afterwards in detail, at the request of the defendant, Alcalde Vara, and the prisoner, Lorenzo Chapa; having examined the finding of well-taken pronounced on the other hand against the alcalde, against Adrian Olguin, Marroquin, and Chapa, the confessions and allegations taken against them in writing, the desistance which complainants afterwards made, beginning at page 89, in what relates to these offenders, reserving their right to seek testimony relating to the matter, and to direct their action against the secretary of the government, who ordered the police to conduct them to prison, hoping, however, that justice would be done in applying to the first such punishment as may be in accordance with law; having considered the papers presented by the defenders of the accused, the sentence pronounced in first instance, the appeal interposed, the supplementary petition of the fiscal, and what has been since alleged in writing of the utterance of irritating language and expressions in the public streets; and finally, in view of the whole matter which has been passed upon; and considering—

1. That the matter brought before the alcalde only included Juan Vara and the parties arrested, Olguin, Marroquin, and Chapa, to whom alone in consequence the sentence in first instance ought to apply and could apply.

2. That the charge is well proven which is made against the alcalde as to his authorization of the use of the cowhide delivered by him to those prisoners, whom he distinguished with the names of president and aids, that they might use it inside the prison for the purpose of keeping order and making themselves respected, without it

serving as an excuse for him that he found this practice in use when it was received from the alcaide, because as explicit as is the 21st article of our constitution which prohibits it, he ought, if the use of the cowhide was not abstained from, to have at least consulted with the chief alcaide, and have given notice of the usage to the ministers who weekly make and have made visits to the prison, which it does not appear that he has done, thereby incurring voluntarily the responsibility for its continuance, and even anticipating and authorizing that reprehended usage.

3. That it is also proven and admitted that on the night of the 21st April last the visits provided for in article 11 of the regulations were not made, nor on the morning of the following day early report attended to, as it should have been according to article 92, which duty if it had been attended to might probably have averted the maltreatment which Potter and Leinhardt subsequently received, because it is probable that complaint would have been made by themselves of what had previously happened to them.

4. That from the declaration of the captives, it appeared without contradiction that it was the general custom to set the prisoners brought in during the night to the cleansing of the prison, which they constantly did, and, as appears, always had done, it following from this that indirectly those were destined to these labors, although merely under detention, which should not be so, as it is well known that there is set aside for these parties a locality distinct from that allotted to captives, under punishment and sentenced, and although from want of room these persons were placed within the gratings in the hall of the prison, according to the regulation, the alcaide should never have permitted that they should have been compelled to discharge police duties and the cleansing of dungeons and privies.

5. But supposing the general practice of putting to this cleaning work those who should be brought in during the night, and that the direction which the alcaide had made to Nelquin for those detained on the night of the 21st, neither to him or his companions, Marroquin and Chapa, can be laid the charge of having destined Leinhardt and Potter to take out from a dungeon to the pit the barrels of filth, and to Marroquin having closed the pit against them, as well as Kahlrens and Zappa, because they were not under obligation to observe spontaneous considerations which in truth could not be looked for or expected from persons of their condition.

6. That in the same manner, also, the president Olquin did well in rebuking Leinhardt because in the night he passed his urine into the vessel which contained the water made use of in the prison, even though it might be supposed that he was ignorant of that circumstance and supposed the vessel was intended for a very different purpose and proper for the use which he made of it.

7. That assuming the delivery of the cowhide to the president and assistant named by the alcaide to prevent disorders, it is neither just nor lawful to make these prisoners liable for the use they may have made of it, because they were merely executives, and in their sphere were not in situation to remark upon or oppose the mandate of their superior, and the more when this mandate was only in respect of chastisement which although odious and repugnant perhaps was considered as very convenient and useful to preserve order without endangering the life of any person soever.

8. That notwithstanding this, it is observed in this case, and it is proved by what is said by the detained, and even may be inferred from the declarations of the offenders, that there was excess in the use of the cowhide, and chiefly on the part of Marroquin and Chapa, with the tolerance of President Alguin, who, however, has not established the disobedience of Leinhardt when he gave him a cowhide, it being notable that he would occupy himself steadily molesting Potter and Leinhardt in preference to other detained parties, and even other prisoners, and subjects for correction, which also leads us to understand the prejudice which he entertained against them, and the injurious language he uttered against them.

9. That for such excess they should be chastised with proportionate penalties, regulated by the opinion of the writers noting the laws, especially that of July 21, 1833, which speaks of light offenses and authorizes the practice, according to which offenses of this nature have never been punished in the manner which was determined on in the sentence of the 1st instance, and less if the class of persons was considered on whom were inflicted the injuries and blows, the motives and other very different circumstances; in fact, all and of distinct character which intervened in injuries of speech and of action which take place between individuals.

10. In regard to what relates to the shortcomings of the alcaide, the penalty should be applied which is established by law 10th, and the end of the 6th title, 38 book 12th, of the new compilation, because in effect that functionary is responsible, although indirectly, for the maltreatment which the detained Leinhardt and Potter received, taking in estimation his assured authorization of the use of the cowhide, for failure in visiting the prison on that night, and for not having provided against the assignment of those detained, to any service.

11. That the contestants having withdrawn any application as to what relates to the alcaide and prisoners, judicial costs cannot and ought not to be taken into account as

against them which have not been demanded from them by the magistrate of the first hall. Passing judgment definitively, I say that the sentence passed ought to be reviewed and corrected, declaring, as it is declared—

1. That for a year and a half, reckoned from the 21st of May of this year, when in this cause the order for imprisonment was made, the *alcalde*, Juan Vara, in rebuke for the errors and omissions he has fallen into, is prohibited from acting in this service in any of the prisons of the State.

2. That the captives Adrian Olguin, Pedro Marroquin, and Lorenzo Chapa, must suffer for the maltreatment they gave to the arrested, Leinhardt and Potter, a penalty of forty days at the public works, reckoned from the next to the conclusion of the sentence which passed upon them for the offenses in respect to which they are now on trial.

3. That whenever the testimony in this cause, or of part of the attending circumstances, is sought for by the complainants, or by other parties interested, it shall be furnished in the manner, and on the terms, and for the uses permitted by law.

4. That it be made known to the *alcalde* of the prison, that he must, in all cases, provide for placing parties under arrest in a place apart without employing them in another place, and if that cannot be completely done in all cases, they must not be employed in the police duty of cleansing the prison and its courtyard. Let this be noted, and of those who neglect the matter let account be made.

This I determine, order, and sign, and bear witness of as citizen magistrate.

MANUEL Z. GÓMEZ.

LUCIAN ESPINOSA, *Secretary*.

SENTENCE.

To-day we publish, in the appropriate part, the sentence pronounced in the first chamber of the supreme court of justice of the State, in the cause drawn up against the parties who committed, in the prison of this city, various abuses of which some foreigners were victims; abuses which the *Atalaya* denounced, although with noticeable exaggeration, and about which the supreme government of the republic sought information.

MEXICAN LEGATION.

Señor Romero to Mr. Hunter.

[Translation.]

WASHINGTON, June 16, 1868.

Mr. Romero presents his respects to Mr. William Hunter, and has the honor to remit to him copy of a telegram sent yesterday by the consul of the Mexican republic at New Orleans to the Mexican consul at New York, respecting an expedition which is said to be in preparation at that port to land in Mexico.

Mr. Romero begs that Mr. Hunter will please do what is needful, in case such expedition is really contemplated, to prevent it from taking place.

M. ROMERO.

Hon. W. HUNTER, &c., &c., &c.

[Telegram.]

NEW ORLEANS, June 15, 1868.

To T. N. NAVARRO, *Mexican Consul*:

An expedition against Mexico is fitted out here. Ship Island is the place of reunion. Matamoras the place to land at. I have informed General Buchanan.

RAMON S. DIAZ,

Mexican Consul.

Mr. Hunter to Señor Romero.

DEPARTMENT OF STATE,
Washington, June 16, 1868.

Mr. Hunter presents his respects to Mr. Romero, and acknowledges the receipt of his note of this date, relative to a supposed hostile expedition against Mexico in preparation at New Orleans. In reply Mr. Hunter has the honor to inform Mr. Romero that the subject shall at once be brought to the notice of the proper authorities.

Señor Romero to Mr. Seward.

[Translation.]

LEGATION OF MEXICO IN THE UNITED STATES,
Washington, June 27, 1868.

MR. SECRETARY: In calling your attention to a note which I addressed to Mr. Hunter on the 16th instant, I have the honor to transmit to you the copy of a communication from the consul of Mexico in New York, dated the 15th instant, in which he sends me the copy of a dispatch from the consul of Mexico in New Orleans, with an annex, dated the 16th, relating to the projected expedition organizing in that city for the purpose of invading Matamoras, by common report.

I take the occasion to repeat the assurances of my distinguished consideration.

M. ROMERO.

HON. WILLIAM H. SEWARD, &c., &c., &c.

CONSULATE OF THE MEXICAN REPUBLIC IN NEW ORLEANS,
New Orleans, June 16, 1868.

I sent you a telegram yesterday informing you that a filibuster expedition is forming here to invade Mexico, by way of Matamoras. I inclose a copy of the note I sent to General Buchanan on the subject.

Recruiting is going on publicly, and I can now designate three places where the names of the enlisted are enrolled, viz: the Spanish tavern called the *Las Buñaladas*, on St. Philippe street, between Old Levee and Chartres, the coffee-house on the corner of Bienville; and Dauphin in front of a boarding-house, No. 126 Toulouse street, where a person who calls himself colonel is lodging, and who was among the late invaders of the republic, and is now recruiting. This individual was wounded in the left hand at half-past three to-day, by one of the adventurers of the expedition, in a row that occurred between them. The imperialist, Perez Gomez, was residing in the house in Toulouse street till very lately, and it is now occupied by a Mexican named Aguilar, who also figured in the famous empire.

The expedition is forming here, and in small boats, traversing creeks and lagoons; they go to Ship Island in squads, whence, I am assured, the expedition will sail for Matamoras.

Santa Anna's emissaries arrived here last night from Havana, in the American steamer *Star of the Union*, and they furnish means for the expedition. * * *

I will keep you informed of daily occurrences. Accept the protests of my appreciation. Independence, liberty, and reform!

RAMON S. DIAZ.

The Citizen CONSUL GENERAL of the Republic of Mexico in New York.

WASHINGTON, June 27, 1868.

A true copy.

CAYETANO ROMERO.

CONSULADO DE LA REPUBLICA MEJICANA EN NUEVO ORLEANS,
New Orleans, June 15, 1868.

GENERAL: I have this morning learned that a military expedition is being fitted out in this city for the purpose of invading the republic of Mexico. The landing is to be made at Matamoras.

According to my information the men composing said expedition are to embark at an island called Navio, (Ship Island,) near Lake Pontchartrain, where there are already about three hundred men and two schooners. The expedition is to be composed of twelve hundred men.

I hope, general, that you will be pleased to adopt the proper measures in order that the neutrality laws may not be violated.

Your obedient servant,

RAMON S. DIAZ,
Mexican Consul.

General BUCHANAN,
Commanding Fifth Military District.

WASHINGTON, June 27, 1868.

A true copy.

CAYETANO ROMERO.

Mr. Seward to Señor Romero.

DEPARTMENT OF STATE,
Washington, June 29, 1868.

SIR: I have the honor to call your attention to the outrages perpetrated recently on the persons of respectable American merchants in the city of Monterey, and to request your influence for the speedy adjustment of this unfortunate affair, which at present is attracting so much attention in this country.

I avail myself of this occasion to offer to you a renewed assurance of my high consideration.

WILLIAM H. SEWARD.

Señor Don MATIAS ROMERO, &c., &c., &c.

Señor Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES,
Washington, June 29, 1868.

Mr. SECRETARY: I have the honor to acknowledge the reception of the note which you were pleased to address to me to-day, calling my attention to the outrages said to have been committed recently upon the persons of respectable American merchants residing in Monterey, and requesting me to endeavor to effect a prompt settlement of the unpleasant affair.

In reply, I have the honor to inform you that a statement of the affair was published in a newspaper while I was in Mexico.

Disapprobation of the event was officially expressed by the government of the republic as soon as the occurrence became publicly known, and a proper investigation was ordered to ascertain the truth, and in view of it to take the steps it might be deemed just and opportune.

It is true that shortly before I left the city of Mexico the government of the republic received the information necessary to enable it to form a

judgment of the painful incident, with full cognizance of the cause; and when all the particulars have come to hand, it will proceed to fix the responsibility, in accordance with the laws of the republic, upon the persons found guilty, and to satisfy those who may have been injured in consequence of those events in the manner it may believe to be most equitable.

I cannot let this occasion pass without informing you that the government of Mexico, which justly appreciates the friendship and good intelligence of the United States, not only never will authorize any act that may be considered unfriendly towards the government of this country, or to its citizens, but whenever an unlucky occurrence, to its regret, damages citizens of the United States, it will hasten, as it has done in the present case, to investigate the facts, in order to do full justice to those who may be wrongfully injured.

I am pleased to have this occasion to renew to you, Mr. Secretary, the assurances of my very distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

[Memorandum.—Translation.]

The iron steamer Mosquito was built in London to serve as a tug for sailing vessels entering the port of Tampico. Soon after reaching that port it was used as a war vessel by partisans of French intervention in Mexico. This over, it was taken to Havana and delivered to the Spanish authorities of the Island of Cuba.

It is said that those authorities are disposed to give it up to the government of Mexico, if they are paid the costs of keeping it. The government of Mexico would like to be certain of the disposition of the authorities of Cuba in this particular, and would like to know what sum they expect before the vessel will be given up.

WASHINGTON, *July 8, 1868.*

Mr. Seward to Señor Romero.

DEPARTMENT OF STATE,
Washington, July 9, 1868.

SIR: In reply to your communication of the 27th ultimo, in reference to a supposed to be intended infraction of the neutrality laws of the United States by parties in the vicinity of New Orleans, I have the honor to inclose to you copies of the correspondence which has taken place between this department, the Attorney General, and the Secretary of War.

I avail myself of this occasion to renew to you the assurance of my high consideration.

WILLIAM H. SEWARD.

Señor Don MATIAS ROMERO, &c., &c., &c.

General Schofield to Mr. Seward.

WAR DEPARTMENT,
Washington City, July 1, 1868.

SIR: I have the honor to send herewith a copy of a telegram of June 29, received yesterday from General Buchanan, commanding the 5th military district, relative to the arrest of certain suspicious characters who were on the reservation at Fort Livingston, Louisiana.

Very respectfully, your obedient servant,

J. M. SCHOFIELD,
Secretary of War.

Hon. SECRETARY OF STATE.

General Buchanan to General Schofield.

TELEGRAPH OFFICE, WAR DEPARTMENT,
Washington, D. C., June 29, 1868.

[By telegraph from New Orleans, June 29, 1868.]

I sent a company to Fort Livingston on Thursday, 25th, to arrest a number of men reported by the ordnance sergeant at that post as being on the reservation under suspicious circumstances, and who refused to leave when ordered by him. The company returned this morning bringing seventy-four prisoners, and a sloop with ten days' rations on board. The party, with the exception of two who appear to be the leaders, are all foreigners. The principal man is Hilliary Ceuds, an ex-confederate, and formerly of our navy. I have sent all hands to the military prison, and have the sloop astern of our quartermaster's steamer. The civil authorities of the United States would not commit the parties until they could get further instructions. Have you any instructions for me? I answered your communication by mail on Saturday.

R. C. BUCHANAN,
Brevet Major General, Commanding.

General J. M. SCHOFIELD,
Secretary of War.

General Schofield to Mr. Seward.

WAR DEPARTMENT,
Washington City, July 2, 1868.

SIR. In connection with my letter of yesterday's date, inclosing copy of a telegram received from Brevet Major General Buchanan, commanding the 5th military district, reporting the arrest of a party of suspicious persons at Fort Livingston, I have the honor to send herewith a copy of a communication received from the same officer, marked "confidential," and dated June 27, 1868, relative to an alleged Mexican expedition.

Very respectfully, your obedient servant,

J. M. SCHOFIELD,
Secretary of War.

Hon. SECRETARY OF STATE.

General Buchanan to General Schofield.

[Confidential.]

HEADQUARTERS FIFTH MILITARY DISTRICT,
New Orleans, Louisiana, June 27, 1868.

GENERAL: I have the honor to acknowledge the receipt of your communication of the 22d instant, marked "confidential," relating to Mexican expedition.

In reply I beg leave to state, that the matter referred to had already been brought to my notice in a communication dated June 15, 1868, received from the Mexican consul, Señor Ramon S. Diaz, a copy of which is herewith inclosed, marked A.

Immediately upon the receipt of this communication I dispatched a staff officer to

Ship Island to communicate on the subject with the commanding officer of that post, Brevet Major General Mower, and to give him instructions to prevent the departure of any illegal expedition from that point. No information could be obtained of the intention of any such expedition to start from Ship Island,

From the information received, I am satisfied that Cat Island, not Ship Island, was the intended point of departure, as two suspicious looking schooners were lying abreast of it. It was suspected that they were intended for transportation.

On his return my staff officer reported to me that the revenue cutter *Wilderness* was cruising off Cat Island, and that he had an interview with the officer commanding that vessel, who promised to do all he could to prevent any expedition from starting, and would cruise there for a week.

A copy of the communication from the Mexican consul was sent to the senior naval officer at this station, upon the day of its receipt, with the request that he would co-operate to the extent of his power in the prevention of the expedition, to which he replied that "there was no available force at his command capable of giving assistance in the suppression of this expedition."

Two days after this the Mexican consul again reported to me that another expedition was about leaving from the city of New Orleans. I then suggested to him the propriety of laying the whole matter before the United States district attorney, Mr. Torrey, which he did. The result of this was the arrest of some forty or fifty men by the civil authorities, who were discharged next morning for want of evidence to justify their detention.

On the 24th instant, I received a letter from the ordnance sergeant at Fort Livingston, informing me that there were some sixty or seventy persons there whom he had ordered to leave, but who entirely disregarded his orders, and refused to obey them.

I immediately dispatched a company of the first infantry on a steamer to that point, with orders to arrest the whole party and bring them to this city, at the same time informing the United States district attorney of my action, and requesting him to send a civil officer with the expedition, which he did.

The party has not yet returned, but as soon as it comes a report of the expedition will be transmitted.

I have the honor to be, very respectfully, your obedient servant,

ROBERT C. BUCHANAN,
Brevet Major General, United States Army, Commanding.

Major General JOHN M. SCHOFIELD,
Secretary of War, Washington City, D. C.

Señor Diaz to General Buchanan.

NEW ORLEANS, June 15, 1868.

GENERAL: I have this morning learned that a military expedition is being fitted out in this city for the purpose of invading the republic of Mexico. The landing is to be made at Matamoras.

According to my information the men composing said expedition are to embark at the island Navio, near Lake Pontchartrain, where there are already about three hundred men and two schooners. The expedition is to be composed of twelve hundred men.

I hope, general, that you will be pleased to adopt the proper measures in order that the neutrality laws may not be violated.

Your obedient servant,

RAMON S. DIAZ,
Mexican Consul.

General BUCHANAN,
Commanding Fifth Military District.

Mr. Browning to Mr. Seward.

ATTORNEY GENERAL'S OFFICE,
Washington, July 7, 1868.

SIR: I had the honor to receive your communication of the 5th instant, respecting alleged hostile expeditions supposed to be fitting out within the jurisdiction of the United States, with the object of violating the territory of a friendly power, and herewith inclose a copy of the instructions which I have issued to the district attorney and

marshal at New Orleans, in the premises. The papers which accompanied your letter are herewith returned, as requested.

Very respectfully, your obedient servant,

Hon. WILLIAM H. SEWARD,
Secretary of State.

O. H. BROWNING,
Attorney General ad interim.

Mr. Browning to Mr. Torrey.

ATTORNEY GENERAL'S OFFICE,
Washington, July 7, 1868.

SIR: From reports officially made by the military authorities within your judicial district, to the Secretary of War, which have been communicated to me through the Department of State, it appears that well-grounded suspicions exist of hostile expeditions being prepared in disregard of the neutrality laws of the United States, with the object of violating the territory of the republic of Mexico.

I have to direct you to be vigilant and prompt in causing the apprehension and due prosecution of all persons against whom there is reasonable evidence in the premises.

A duplicate of this communication is addressed to the marshal under this date.

Very respectfully yours,

O. H. BROWNING
Attorney General ad interim.

SAMUEL H. TORREY, Esq.,
United States Attorney, New Orleans, Louisiana.

Señor Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION IN THE UNITED STATES,
Washington, July 10, 1868.

MR. SECRETARY: I have this day had the honor to receive your communication of yesterday, containing copies of the correspondence between your department, the Attorney General of the United States, and the Secretary of War, relative to the violation of the United States neutrality laws, which was contemplated by persons in the vicinity of New Orleans against the Mexican republic.

In reply I have the honor to inform you that I send the note and annexed documents to-day to the government of Mexico. I avail myself of the occasion to renew to you, Mr. Secretary, the assurances of my distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Señor Diaz to Mr. Seward.

MEXICAN CONSULATE,
New Orleans, July 23, 1868.

SIR: I have the honor to acknowledge due receipt of your communication of the 3d instant, which would have been sooner answered but for the fact that I was awaiting a fuller development of the schemes and combinations now on foot to foment anew a fratricidal strife in Mexico.

You have no doubt been already informed that through the zealous and active co-operation of the civil and military authorities of this city, two detachments of the expeditionary forces have been captured in this State, to wit: one on the 22d of June ultimo, in this city, and the other at Grande Terre, near Fort Livingston, on the 26th of the same month. The leaders of these illegal organizations were arrested and examined before Governor Weller, United States commissioner, and held to answer before the United States district court in November next. The testimony adduced at this examination, together with the voluntary declarations of several of the prisoners, left no doubt either of the object or illegality of the expedition.

The agents of General Santa Anna in this city, notwithstanding these arrests, continue their enlistments of adventurers, with the view of overthrowing the existing government, and of proclaiming young Iturbide Imperial Prince, and Santa Anna Regent of the empire during the minority of Iturbide.

These enlistments are now taking place on Common street, No. 104, in this city, where there is an agency for the contract of laborers on a railroad in Houston, Texas. The men are forwarded to Galveston, whence they are to embark for the coast of Florida, and land at a point in proximity to Key West, which is the general rendezvous, and at which place they are to receive their ammunition, arms, uniforms, transports, &c., from Havana.

In pursuance of this plan, a body of men, estimated at over two hundred, left the city this morning, *via* Opelousas railroad, for Texas. Many of the men have been identified as forming part of the expeditions above referred to, which were captured and broken up in this city in June last.

In view of the friendly offices and interest ever manifested by the government of the United States towards her sister republic, and for the purpose of more effectually and speedily crushing out and discountenancing the machinations of wicked and scheming adventurers in our midst, who, by means of specious pretexts and promises, are seducing and entrapping many ignorant and unsuspecting dupes into their illegal combinations, I respectfully commend to the President's attention the fact whether the time has not now arrived when a proclamation issued by his excellency upon that subject would not tend in a great measure to put a stop to all filibustering expeditions against Mexico.

In conclusion, permit me to tender you, on behalf of the Mexican government, its warmest and sincere thanks for your interposition in defending the integrity of the Mexican territory, and maintaining intact the neutrality laws. The instructions which, with characteristic promptness, were issued from your department to the United States authorities in this city, I am happy to acknowledge, were carried out with alacrity and cordiality, and all necessary assistance required by myself has been at all times and on all occasions by them zealously furnished. I am indebted for many obligations to General R. C. Buchanan, the United States marshal, the collector of the customs, and particularly to Samuel H. Torrey, esq., the United States district attorney, who contributed very actively with me in making all needful arrests.

With many assurances of my profound consideration, I have the honor, sir, to be your obedient servant,

RAMON S. DIAZ,
Consul of Mexico at New Orleans, La.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

NICARAGUA.

Mr. Dickinson to Mr. Seward.

No. 143.]

LEGATION OF THE UNITED STATES,
Leon, Nicaragua, December 4, 1867.

SIR: On the 14th of November last a new volcano broke out in Nicaragua, about eight leagues to the east of the city of Leon, on a crowded line of volcanoes running through the State, parallel with the Pacific coast.

It commenced about 1 o'clock in the morning with a succession of explosions, which were very distinctly felt and heard at Leon. These explosions opened a fissure through the earth's crust about half a mile in length, running from the old fissure in a southwest direction, about midway between the extinct volcanoes of Las Pilas and Orota, which are two of the numerous cones studding the ancient fissure.

Before daylight on the morning of the 14th fire was seen issuing from the new volcano in various places. The explosions continued irregularly during the whole time that the volcano was in a state of eruption. Sometimes in rapid succession, and other times at intervals of half an hour. Low, rumbling sounds were heard almost incessantly. In the course of a few days two craters were opened on the new fissure, about a thousand feet apart, the one at the southwestern extremity discharging perpendicularly, and the other shooting out towards the northeast at an angle of forty-five degrees. The flames from these two craters steadily increased in size and height, while jets of flame and slighter discharges were emitted from two or three other side fissures.

On the morning of November 22d I went out to the new volcano for the purpose of observing it more closely, though I had seen and heard it very plainly each day and night from Leon. The best view which I obtained of it on that occasion was before daylight, from a mountain summit, about one mile to the northwest of the fissure, and at right angles with it. The main crater at the right was actively at work, throwing out flames and half melted cinders, through a circular orifice about sixty feet in diameter, which was constantly filled to its utmost capacity with the ascending masses. A regular cone, built up entirely by the falling cinders, to the height of about two hundred feet, had already formed around the crater. The rim of the cone was white with heat, and the outside was red hot for half way down, while the remainder of its black ground-work was glittering with innumerable glowing sparks. It was puffing quite regularly about once a second, with a strong constant blast, which kept up a column of flames filled with flying cinders, to the height of about five hundred feet above the mouth of the orifice. Irregular explosions occurred at intervals varying from ten to thirty minutes, increasing the force and volume of the discharges, and sending them far up into the rolling clouds above. The cinders went up in half-fused, blazing masses, from one to three feet in diameter, and came down upon the cone, hardened, striking with a clinking, metallic sound. After daylight the red appearance of the cone changed to a bluish black. The left-hand crater was shooting out oblique discharges of flame and cinders

of a similar character, at an angle of forty-five degrees from the other, and evidently communicated with it about a thousand feet below the surface, the two craters being that distance apart, and both discharging simultaneously. This half horizontal crater was about twenty feet in diameter.

The afternoon of the 27th, after a series of explosions which seemed to shake the earth to its center, the volcano commenced discharging vast quantities of black sand and heavier rocks. The column of flame at night was considerably increased in height, and bright, meteor-like spots were seen ascending in the flames, to the height of not less than three thousand feet. These were large, spherical stones, four and five feet in diameter. The next morning the streets and house-tops of Leon were covered with fine black sand from the volcano, and a vast luminous cloud of raining sand overspread the whole surrounding country. This rain of sand continued until the morning of the 30th, when the volcano died away, apparently smothered by its accumulated eruptions. The sand now covers the whole surrounding country, from the volcano to the Pacific, a distance of more than fifty miles from it. At Leon it is from an eighth to a quarter of an inch in depth. As we approach the volcano, it gradually grows deeper and coarser. For a mile around the crater, it lies in particles from three-eighths to half an inch in diameter, and about a foot in depth. Still nearer to the cone, the sand increases to several feet in depth, and the particles gradually increase in size until they become small, broken rocks. Around the base of the cone, round, heavy rocks lie thickly scattered, from four to five feet in diameter; but much the larger portion of them have broken into fragments. The cone itself is two hundred feet high, with a crater in the top two hundred feet in diameter, and about the same in depth. The inside of the crater, the same as the outside, is covered with hard, broken rocks, generally less than a foot in diameter. A long ridge of black scoria leads out from the branch crater, in a northeasterly direction. The slaggy, lava-like scoria which first issued from the main crater, is now principally covered up by the hard plutonic rocks, which came out from profounder depths with the last discharges. The forest for leagues around is scarred and maimed by the sharp cutting storms of sand, and near the volcano the trees lie cut into numerous fragments, half buried under the sand and rocks.

The volcano was an active and interesting sight for sixteen days, and now, in its repose, affords an ample and instructive field for the geologist. Indeed, no country in the world presents a more interesting study than the plain of Leon. Twenty volcanic cones are seen rising from it at a single view. Its soil is inexhaustible in fertility, as finely pulverized and as evenly distributed as that of the valley of the Nile or the Mississippi; not, however, by water, but by fire! It has literally rained down from the volcanoes, richly freighted with fertilizing material.

Humboldt regretted before his death that men of science had not more fully investigated this remarkable region of country, and it is sincerely to be hoped that it may not much longer remain neglected by them.

The recent fall of sand has been followed by a shower of rain; and though but a few days have since elapsed, corn, cotton, and grass have grown more rapidly under its fertilizing influence, than I have ever seen plants grow before. Some weeds and plants it kills, others it starts forth with renewed life and vigor.

I send, herewith, a specimen of the sand gathered at Leon, before the rain, hoping that it may be analyzed.

It may be proper in this connection to call attention to the recent destructive storms, earthquakes, and eruptions, which occurred on and around the Island of St. Thomas during the same period of time which I have been describing, and which undoubtedly sprung from the same general cause, as those earthquakes were distinctly felt at Leon.

I am, sir, very respectfully, your obedient servant,

A. B. DICKINSON.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Dickinson to Mr. Seward.

[Extract.]

No. 144.]

LEGATION OF THE UNITED STATES,
Leon, Nicaragua, December 23, 1867.

SIR: * * * * *

I transmit herewith a copy of my note to the minister for foreign affairs of this government, announcing the action taken by the United States government in regard to the questions in debate between Nicaragua and Great Britain relative to the Mosquito territory, as set forth in your despatch, No. 98, and a translation of the answer thereto.

I am, sir, respectfully, your obedient servant,

A. B. DICKINSON.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Dickinson to Señor Ayon.

LEGATION OF THE UNITED STATES,
Leon, December 17, 1867.

SIR: I have the pleasure to transmit to you herewith a copy of a dispatch which I have received from the Secretary for foreign affairs of the United States, stating the position assumed and the action taken by the government of the United States in reference to the questions pending between the governments of Nicaragua and Great Britain relative to the Mosquito territory.

Trusting that the prompt and friendly measures taken by my government in this important matter may effectually aid in maintaining the sovereignty of Nicaragua unimpaired in the territory of the Mosquito Reserve, I have the honor to be, with high consideration, your excellency's obedient servant,

A. B. DICKINSON.

His Excellency Señor DON TOMAS AYON,
Minister of Foreign Affairs, &c., &c., Managua.

Señor Ayon to Mr. Dickinson.

[Translation.]

MANAGUA, December 21, 1867.

SIR: With your official note, dated 17th instant, I have had the pleasure of receiving the copy of that of the 23d of November anterior, from his excellency the Secretary of State of the United States, referring to the question pending between the governments of Nicaragua and Great Britain in regard to the territory of the Mosquito coast.

It is very gratifying for this government to obtain from the illustrious government of the United States the just qualification of the right with which Nicaragua main-

tains that question, and anticipates its probable termination through the good and pacific offices of the cabinet of Washington and the rectitude of that of Great Britain. Be so good as to express to the minister of state the gratitude of my government.

In relation to the new bases proposed by the transit company, I should say to your excellency that even without the mediation of the offices of the government of the Union in the question of the Mosquito territory, the government of Nicaragua is disposed to agree to those concessions which are compatible with the well-known interests of Nicaragua, as I have had the honor of repeatedly manifesting to your excellency, and also to the agents of the company.

I reiterate to your excellency the assurances of my high consideration.

TOMAS AYON.

Mr. A. B. DICKINSON,
Minister Resident, &c., &c., &c.

Mr. Seward to Mr. Dickinson.

No. 100.]

DEPARTMENT OF STATE,
Washington, January 7, 1868.

SIR: I have to acknowledge the receipt of your very interesting dispatch, No. 143, of 4th December, 1867, relative to a volcano which broke out in November last near the city of Leon. I have caused a copy thereof and the specimen of sand to be transmitted with a letter to Professor Joseph Henry, Secretary of the Smithsonian Institution.

In acknowledging their receipt, he says, "that he has addressed a letter to you making further inquiries in regard to certain points, and shall publish the whole with such comments as may occur to ourselves in the next report of the Institution. The sand we shall have examined immediately. The direction in which it fell is an interesting fact in regard to the path of the upper current of air in the intertropical regions."

Copies of your dispatch have also been furnished to the press.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

A. B. DICKINSON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dickinson.

[Extract.]

No. 101.]

DEPARTMENT OF STATE,
Washington, January 25, 1868.

SIR: Your dispatch, No. 144, of December 23, 1867, inclosing a copy of your note to the minister of foreign affairs of Nicaragua, and a translation of his reply, in regard to the questions in dispute between that country and Great Britain, growing out of the Mosquito territory, has been received.

I have caused copies of the aforementioned correspondence to be transmitted to Charles Francis Adams, esq., United States minister at London.

* * * * *

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

A. B. DICKINSON, Esq., &c., &c., &c.

Mr. Seward to Mr. Dickinson.

[Extract.]

No. 103.]

DEPARTMENT OF STATE,
Washington, February 28, 1868.

SIR: * * * * *

Inclosed herewith, I transmit you a copy of a dispatch* recently received from Charles Francis Adams, esq., in reference to the misunderstanding of the British government with that of Nicaragua.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

A. B. DICKINSON, Esq., &c., &c., &c.

Mr. Dickinson to Mr. Seward.

No. 153.]

LEGATION OF THE UNITED STATES,
Leon, Nicaragua, July 7, 1868.

SIR: Your dispatches, Nos. 108 to 110, have been received.

The three copies of the book entitled "Tributes of the Nations to Abraham Lincoln," have also been received.

That which was directed to the government of Nicaragua I presented to the President in person, explaining the character of the book and the object of its presentation. The President, who was personally known to Abraham Lincoln, was visibly affected by the reminiscences which the interview called forth, and expressed in feeling terms his grateful appreciation of so valuable a book, containing as it did the affectionate sentiments of the whole civilized world in regard to the greatest and best of men. He desired also that his kindest sentiments and congratulations might be conveyed to the honored Secretary of State and the Assistant Secretary, who so miraculously survived the attempted assassination.

Of the other two copies, I have presented one to Señor Basilis Salivas, who held the position of minister of foreign affairs at the time of the death of President Lincoln, and the other I have retained for myself.

I am, sir, respectfully, your obedient servant,

A. B. DICKINSON.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C

NICARAGUAN LEGATION.

Mr. Gomez to Mr. Seward.

[Translation.]

LEGATION OF HONDURAS AND OF NICARAGUA,
Washington, April 16, 1868.

SIR: The manifest and legitimate interest with which all the nations of this continent have followed the current of the discussions and the hostilities between the republics of the Pacific and Spain, which unfortu-

* For inclosure see dispatch No. 1530 from Mr. Adams, vol. I, p. 151.

nately keep up the misunderstanding between them and that nation, and the disinterested wishes always indicated by your excellency's government to witness the termination of a state of things as prejudicial to neutrals as to the belligerents themselves, who are bound together by equal ties and antecedents, cause the minister plenipotentiary of Nicaragua and Honduras to believe that neither your excellency nor your government will regard it as officiously inopportune that the undersigned has the honor of making known to you that in virtue of orders from the governments which he represents in Washington, he addressed himself on the 4th instant to the representatives of Peru, Spain, and Chili, offering the good offices of the states belonging to Central America to co-operate, either in the acceptance by the belligerents of the mediation offered in the year last past by the United States to put an end to the contest, or for bringing about by some other measures an agreement to open negotiations for peace, or to settle on some basis, or agree on somewhat which may ulteriorly serve to treat upon.

As was to be hoped from indications confidentially interchanged with the ministers of Spain and Peru, with whom, before coming to this country, the undersigned had the honor of personal acquaintance, the offer of the good offices of Honduras and Nicaragua was welcomed by them and by the worthy representative of Chili with expressive demonstrations of appreciation and satisfaction, and was transmitted to Madrid, to Lima, and to Santiago.

In having the satisfaction of making known to you what is here stated, the writer has the honor to offer to you the sentiments of consideration with which he remains,

Your most obedient servant,

IGNACIO GOMEZ.

HON. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Señor Gomez.

DEPARTMENT OF STATE,
Washington, April 20, 1868.

SIR: I have had the honor to receive your note of the 16th, stating that on the 4th instant you had addressed a note to the representatives of Peru, Spain, and Chili, offering the good offices of the Central American states towards co-operating either in the acceptance by the belligerents of the mediation which has been offered by the United States for the purpose of putting an end to the contest, or for bringing about by some other means an agreement to open negotiations for peace.

Your well-intentioned proceeding in this matter is approved by the President, who hopes it may contribute to the result which is earnestly desired by the government.

I avail myself of this occasion to offer to you a renewed assurance of my high consideration.

WILLIAM H. SEWARD.

Señor Don IGNACIO GOMEZ, &c., &c., &c.

P A R A G U A Y .

Mr. Washburn to Mr. Seward.

No. 92.]

LEGATION OF THE UNITED STATES,
Asuncion, October 14, 1867.

SIR: Your dispatches, from No. 64 to No. 71, inclusive, were all received by me yesterday. They were brought by a French gunboat which has come up to Curupaity from Buenos Ayres for the purpose of bringing up the new consul and taking away Mr. Laurent Cochelet, who for the last four years has been the French consul here, and who some eight months ago was named as consul to Richmond, Virginia, but has been unable to leave until now, as the person named as his successor seems to have been disinclined to enter Paraguay, lest he should get into a trap from which it would not be easy to extricate himself. This delay has caused the tardy successor to be retired by his government and another man has been sent to relieve M. Cochelet, whose situation here for the last two years has been as disagreeable as it is easy to conceive. He will leave here to-morrow, and I will take the opportunity to send through my dispatches by him.

The situation in a military point of view is, so far as I can learn, about the same as at the date of my last dispatch. There has been some fighting since then, but no decided advantage seems to have been gained by either party. It is very hard to get any accurate information here as to the true state of the Paraguay army, as every skirmish is represented as a great victory. The Paraguayan army seems to be nearly surrounded, but yet not entirely so, for the telegraph from this place to Humaita is most of the time in working order, and the steamers continue to run to near Humaita. There is a space of some five miles from the advanced lines of the allies to the river that is still open, though it is said that the Paraguayans find it very difficult to pass any cattle through that way.

The allies have once occupied Pilar, a town some seven leagues above Humaita, and there have been reports that skirmishing parties have been seen at a considerable distance this side of there. As any town or district seems to be threatened the inhabitants are required to move away to the north. As no people are left but women and children it is a great hardship, but in this war hardships to the people are not counted. It is believed here that the inhabitants have been compelled to leave the country for a long distance above Pilar, and it has been reported that Villa Franca, which is about half-way between this place and Humaita, has also been evacuated. If this be so, then it is pretty certain that the allied troops are moving up by land at some distance from the river, and there is great fear among the people here that they will be compelled to evacuate this place. In fact it is evident that the government is preparing for such an emergency. The nearest relations of the President have already left for the interior and taken away their most valuable movable property, and other families which it is supposed are highest in favor are constantly moving out of town. Others are in great dread that an order will be issued for everybody else to leave the town;

so that the enemy, if they come here, will find neither people nor food. Some even fear that the town may be razed, but that is preposterous, as the best part of it is owned by the Lopez family, who have been building some and buying largely within the last year. It is also whispered here (reports are not permitted) that the government archives and the government property in the custom-house have all been sent into the interior. The departure of so many families cannot escape notice, and the reason given for it is that they have left from the fear of the cholera. But as nobody seems to have any fear of the cholera, it is believed that the favored families are advised to do in time, and at their convenience, what the multitude will be ordered to do in a hurry. Naturally there is great alarm and anxiety here among both natives and foreigners, and I am often asked what I shall do in case the threatened evils come upon them. I tell them all that I shall stay at my post until I am ordered to leave it by my government. If the enemy come and bombard the town they can bombard my house, but I shall keep my flag flying and shall not leave it; and if they or anybody else shall blow up the town they can blow me up with it, for I shall not leave my post except I am carried away a prisoner and by force. This determination seems to have given great confidence to people who think many evils may be averted by my remaining here. A good many, mostly foreigners, have brought their money and other valuables to my house for safe-keeping, as I tell all that whatever protection my house and flag can give to my own property will be given to theirs, but that I take no responsibility and give no receipts; so that if the town is sacked, and my house with others, neither I nor my government will be in any way liable for the damage done or the property taken.

Should the evacuation of the town be ordered—and I believe it will be if the war lasts much longer—it is uncertain whether the foreigners will or will not be permitted to remain. If they are not, I apprehend many will ask admission to my premises and request protection, which it would be hard to refuse and might be embarrassing to grant. As against the enemy, however, I have not hesitated to say that this legation will give whatever protection it can to whomsoever, save notorious criminals, may resort to it in time of danger. I am unable to see that any advantage can result to the cause of President Lopez by the evacuation of the capital, for if once the enemy should get possession of it his cause would be irretrievably lost. And yet the conviction is universal here that if the war is not soon over the evacuation will be enforced. Such an act must cause great misery, and probably it would not be carried out towards foreigners if the English, French, and Italian ministers in Buenos Ayres would make strong protests against it, and send up each a gunboat to await results. I could not expect an American gunboat to come up, as there are very few Americans here, and I do not suppose those few would be molested.

In your dispatch of May 20, No. 66, in reply to mine of March 11 and March 12, Nos. 81 and 82, in which I expressed a wish to be recalled, you remark that the President would be pleased if I would remain at my post, but that if I shall make my resignation absolute, it will be accepted.

In my dispatch No. 82 I made no conditions in regard to my resignation; but I did express a wish that my successor might arrive before I left, as if I, the only foreign minister here, were to leave, and no one were to come to take my place, the people here would think they were abandoned by the civilized world and left to be exterminated. I also said that it would be hardly possible for me to leave the country with my family unless some means were provided by the government for my

departure; but as no successor has been appointed, it is clearly my duty to remain until the war is over, or until the dangers that now threaten are past. I fear gloomy times, but I am satisfied I can be of much service to many; even if the worst shall happen, and am well aware that should an opportunity arise for initiating terms of peace, my efforts in the matter would be more acceptable to this government than those of any other person whatsoever.

Very respectfully, I am, sir, your obedient servant,
CHARLES A. WASHBURN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Washburn to Mr. Seward.

No. 94.]

LEGATION OF THE UNITED STATES,
Asuncion, December 13, 1867.

SIR: Since the date of my last dispatch, No. 93, I have been as completely shut out from all communication with the outer world as though I had been in the mines of Siberia. I also know very little of what is going on in the Paraguayan army. I will, however, relate to the best of my knowledge what has transpired since my last dispatches were forwarded, now about two months.

The allies have been for a long time extending their lines around the Paraguayan camp, and by the first of November appear to have completely inclosed it on every side but that of the river. Numerous sallies were made by the Paraguayans against different points, but they always found the enemy in five times their number to oppose them, and were always repulsed, though the official paper here represents them all to have been tremendous victories, in which the Paraguayans, having slain each man his score or more, retired in good order. But on the 2d of November an event occurred that could not be passed over in that way. Three steamers of the little fleet now left to this country left Humaita, having on board some hundred of troops and several cannon. What they set out to do I do not know, but it seems probable that it was supposed a small force of the enemy were on the bank of the river, and this party was sent up to dislodge it. But when they got opposite the point where they supposed only a small body of cavalry was posted, they found a large army of cavalry, infantry, and artillery, that destroyed two of the steamers in a few moments, while the third only escaped ridled with balls and with the loss of most of her crew. The next day, however, a surprise was attempted by the Paraguayans at Tuyuti, formerly the main camp of the allies. This was claimed as a great victory, and from what I can learn I judge that the allies were heavily damaged. But we have only the Paraguay version, and according to that all battles are great victories.

When we learned that the allies were in so large force above Humaita as to cut off all communication by river, I concluded that a crisis was near at hand. Without supplies from outside, President Lopez could not long hold out. He must do one of four things: find a new road for his supplies to enter the camp; cut his own way out; attack and defeat the enemy, or capitulate. He did the first. The right or west bank of the river, which has been represented as an impassable jungle, so thick and impenetrable that it seems never to have penetrated the brilliant

military heads of the allied generals that it was possible to get through. It now affords a safe and easy means of communication between the Paraguayan army and the country above where the allies are now posted. By this road thousands of cattle, after being first passed over the river at some point above the mouth of the Tebicuari, are driven down till nearly opposite Humaita, when they are passed back to the east side and are in the Paraguayan camp. Whether the allies will ever try and cut off this means of communication I cannot tell. Their system of warfare is to me utterly incomprehensible. It looks as though their policy was that the Paraguayan people should be exterminated, and that when the war ends there should not be left a shadow of a nation. There appears as yet no signs of giving way on the part of President Lopez. For a long time there has been much talk about arming the women, and the impression here is very general that this will be done if the war lasts much longer. The men must be pretty nearly exhausted already. I have been hoping that some foreign mediation or intervention might put a stop to a war conducted, as this seems to me, with a view to extermination, and a few days since it was reported that an English and an Italian gunboat had passed through the squadron and were just below Curupaiti. But the report in regard to the English gunboat is not confirmed, and the other one, it is said, has come up only to bring an Italian consul. So the prospect of peace appears no better than it did a year ago. And yet it may come very soon. I shall send this dispatch below in the hope it may be forwarded by the Italian war vessel.

The enormous squadron that the Brazillians have brought into the river has made no sign since passing Curupaiti some four or five months ago. All that it has yet done of injury to the Paraguayans could have been done as well by two wooden steamers. By passing Curupaiti and placing itself above the batteries there and below those of Humaita it put itself in a position where it is almost impossible for it to obtain supplies and is impotent for harm against the Paraguayans. Had it passed on immediately after passing Curupaiti it would have been in one hour above Humaita, as that point had been left nearly unprotected in order to strengthen Curupaiti and other points.

But now as the allies seem to be too weak to take the offensive either by land or water, we are exposed to the weary tedium of a siege that may last for months or years.

I am, sir, very respectfully, your obedient servant,

CHARLES A. WASHBURN.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Washburn to Mr. Seward.

No. 95.]

LEGATION OF THE UNITED STATES,

Asuncion, January 13, 1868.

SIR: On the 14th of October last, in my dispatch No. 92, I had the honor to acknowledge the receipt of your dispatches Nos. 68, 69, 70, 71, and to advise you of the condition of affairs in this country. Since then I have received nothing from the United States, as we are still cut off from all intercourse with the outer world. At the date of my last dispatch, No. 94, I did not suppose this war could last till this time, and then expressed a willingness to remain to the end, as I believed I might be of some service should the time for making peace ever arrive. But

the aspect of affairs is so changed since then that I have considered that resolution. I see little reason why the war should not last another year. At least, the end has never appeared so remote to me as it does now. From what I can learn of affairs below everything is going badly with the allies. Several provinces of the Argentine Republic are said to be in revolution, and President Mitre has been obliged to resign his presidency and his post as commander-in-chief of the army on account of ill health, and has gone to Europe. Such at least are the reports here. Meanwhile I cannot learn that they are doing anything with their army or squadron calculated to bring affairs to a crisis. It seems as though it was their policy to starve out Paraguay; but they will find that a long process, and one to which I have no wish to be a victim. They appear afraid to make a general attack on the Paraguayan lines, and the Paraguayans have no idea of coming out of their entrenchments so long as they can keep the way open for obtaining supplies. I have no reason to suppose they will not be able to do that for a long time, and therefore, with the policy now pursued on both sides, I see no light, no hope of peace for a long time. Even should the "triple alliance" be broken up, and Brazil be left alone to carry on the war, with her credit ruined and her home resources exhausted, I nevertheless believe that a large part of the squadron would remain in the river, and that Paraguay would still be effectually blockaded, perhaps as long as Montevideo once was, viz, nine years. I think that under such circumstances it would hardly be expected that I should remain here till the end of the war. I see no probability of my receiving anything from beyond the allied lines until some United States gunboat may come to fetch it. The English, French, and Italian governments have each recently sent a war vessel through the squadron to Curupaity to communicate with this government, and I have no reason to suppose either of them will return for several months. The last that came (the Italian) left Buenos Ayres about the 10th of November, but it brought nothing for me, though there must have been an accumulation of two or three months' mail matter for me in Buenos Ayres. I learned, however, with the most profound regret, that our minister there, Mr. Asboth, was so exceedingly ill that he could scarcely speak, much less attend to any business, and that his friends had small hopes of his recovery. He had previously been my entire dependence for receiving my dispatches or other correspondence, or any needed supplies, and I am well aware that in his state of health his efforts to alleviate the unpleasant position of myself and family have caused him great trouble and annoyance. It took him nearly four months to get through to me a small supply of stores that were indispensably necessary, and without which I could not have remained. I cannot expect him to be at as much trouble again, though I have advised him that the stock then sent would be exhausted before this time, as it actually is; but as the allies complained that it was preposterous that I should require so much, and detained everything for more than three months, I conclude that any other efforts to relieve me that he might make would be attended by similar discourtesies and embarrassments. The prices of almost everything here are such as are only known in times of siege. All these things could be endured were there any certainty, or even a probability, that they would come to an end within a few months. But as it is, the prospect of peace is so remote that I must again ask for my recall.

In your dispatch No. 66 you remark that the President desires that I should remain here, but say that if my resignation should be made absolute it would be accepted. From the preceding statement, of the circumstances in which I am situated I think I shall appear justified in

making my resignation thus absolute; but though it be absolute and unconditional, I trust with my recall may come a successor. I know that my presence as United States minister, and the only minister of a neutral power here, gives a great sense of security to many people, and especially to all foreigners. My departure before the arrival of a successor would also, I am persuaded, be regarded with great regret by this government. At the same time I think that at this crisis, when important political changes seem impending in this part of the world, this legation should be continued; but I do not want this to be taken as a condition of my resignation. On the contrary, I now ask my recall unconditionally, and with this make my resignation absolute.

I will add that whoever may be my successor, he will find it impossible to get here with the baggage and provisions necessary for a six months' residence, unless a war vessel is sent purposely to bring him; but if no successor should come to take my place my letter of recall would probably not reach me for months unless special measures were taken to send it to me, and if it were received I could not, as circumstances now are, and very likely will be six months hence, leave the country with my family unless a national vessel were sent up the river and above the blockading squadron to take me away.

I have the honor to be, sir, most respectfully, your obedient servant,
CHARLES A. WASHBURN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Washburn.

No. 75.]

DEPARTMENT OF STATE,
Washington, January 14, 1868.

SIR: Your dispatch No. 92, of October 14, was received on the 24th ultimo.

The account you give of the state of political affairs in the country of your residence is far from encouraging.

Your determination to remain at your post of duty as long as you can be of any service to our countrymen is highly commended.

Your intention to afford an asylum in the legation to those who may resort to it, save notorious criminals, as far as it can be done without compromising your neutral character or that of your country, is approved.

The Secretary of the Navy has been informed that it is necessary to have a vessel ready to relieve you from your embarrassing situation. His reply I enclose for your information.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES A. WASHBURN, Esq., &c., &c., &c.

Mr. Welles to Mr. Seward.

NAVY DEPARTMENT,
Washington, D. C., January 8, 1868.

SIR: I have the honor to acknowledge the receipt of your letter of the 26th ultimo, in respect to the aspect of affairs in the Rio de la Plata, and the necessity of having a vessel of the navy ready to relieve Mr. Washburn, minister resident to Paraguay, from his embarrassing and probably dangerous position.

A copy of your communication has been transmitted to Rear-Admiral Charles H Davis, commanding the South Atlantic squadron.

Very respectfully,

G. WELLES,
Secretary of the Navy.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Washburn to Mr. Seward.

No. 96.]

LEGATION OF THE UNITED STATES,
Asuncion, January 17, 1868.

SIR: Since closing my last dispatch of the 13th instant, I have been advised by the minister of foreign affairs, Señor Berges, of the death of General Bartolomé Mitre, president of the Argentine Republic and commander-in-chief of the allied armies. Of this event you will probably have been advised for some weeks before the receipt of this dispatch. It had been reported here, previously, that President Mitre had left the army by reason of his infirm state of health and gone to Europe. It appears now, however, that he died in the camp. On the day of his funeral, I am informed by Señor Berges that President Lopez gave orders that not a shot should be fired from the Paraguayan camp. This act of courtesy and magnanimity, I have learned indirectly, was but illly responded to by the Brazilians, who through the whole day kept up an incessant cannonading on Humaita.

I am utterly unable to conjecture what may be the effect of this important event on this long protracted war. The opinion of Señor Berges, and I think of this government, is that it will be favorable to Paraguay; that his death will be followed by serious disturbances and revolutions in the Argentine Republic, which may compel the withdrawal of all the Argentine troops from the army and break up the "triple alliance." This result may follow from President Mitre's death, but I have great doubts in the matter. But whether it does or not, I do not see how it will have any effect towards bringing the war to a close. Brazil will still have her immense squadron in the river, that can be maintained at little more expense where it is than it would cost in the harbor of Rio de Janeiro. Besides that, one-half of the squadron is now so placed between the batteries of Curupaity and Humaita that I doubt if it could get away without the permission of the Paraguayans, and as the river is now falling it is not likely their condition will be improved. They must stay there and defend themselves, or else make a more ignominious retreat than ever was known, abandoning iron-clads and other vessels that have cost many, many millions of dollars—more than all Paraguay would sell for in quarter sections. This I do not believe they will do, and therefore the war must last till there is neither Paraguay nation, nor people, nor government left. The longer the war lasts, the more I am convinced that this people will never be conquered. They may be exterminated, but, as I have frequently had occasion to say before, it will be only when there are neither men nor women left that the terms of the "triple alliance" will be enforced. Whether other nations may interfere to put a stop to a war carried on not for purposes of conquest only, but with the deliberate view of exterminating a nation whose existence mars the symmetry of a neighboring empire, is a question on which it is not for

me to pronounce. But, this I do say, that so complete is the organization of this country, and so entirely are all its elements absolutely at the command of President Lopez, to be devoted to repelling the allies and to maintaining the established government, that to all appearance the war may be prolonged for many months, and if from sheer exhaustion this country must fall, its conquerors will find little but a desert.

To avert so sad a climax is it not possible that neutral powers may intervene, may declare to both parties that this miserable war must stop and impose their terms of peace, saying to whichever party may refuse to accept them that it must thenceforward reckon all the governments whose good offices have been rejected as enemies that will afterwards enforce harder terms than those rejected?

I know not if anything of this kind is feasible. But I know this miserable war ought to end, and I see no other way for it.

I have the honor to be, sir, your obedient servant,

CHARLES A. WASHBURN.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Washburn to Mr. Seward.

No. 97.]

LEGATION OF THE UNITED STATES,

Asuncion, April 7, 1868.

SIR: It is now nearly three months since the date of my last dispatch, and in all that time I have not received a letter or line, and scarcely have heard a rumor from beyond the limits of Paraguay. I have, therefore, no dispatches to answer, and will proceed to relate what has transpired here during the time.

After the passage of the Brazilian squadron above Curupaiti, in August last, it was supposed here that some decisive action would soon take place that would bring this wasting war to an end. But month after month went by, and nothing seemed to be done by either party, so far as we could learn here, to change the relative positions of the belligerents. The *Semanario* nearly every week published accounts of astonishing victories, in which the Paraguayans in small force had attacked the positions of the enemy and slaughtered thousands of them, and then retired in good order, with a loss of only two or three. Such victories, we knew too well, were simply repulses, probably expensive to the allies, and certainly so to the Paraguayans. But the weary, dreary monotony of our isolation was at length broken by the announcement that the squadron had again made a move. On the evening of the 21st of February it was first made known here that several iron-clads had passed Humaita, and that at least three of them were on their way up the river, and were already half way to this place. How long the government had known this I cannot say, but have reason to believe that the passage was effected nearly a week before, and that it was known here soon after. But with the public announcement came an order for the complete and immediate evacuation of this city. The order was indiscriminate and was directed to all, foreigners and natives alike, and all were commanded to go away at least one league from the capital. Before the news was generally known, the minister, Señor Berges, sent to

request me to call at his office. I immediately complied, when he told me the iron-clads were on the way up the river and might be here the next day, and that, further than that, nothing was known of what had transpired below. Nevertheless he said the town was to be evacuated as soon as possible; that the city was to be made a military post, and everybody, natives and foreigners alike, must leave it. I told him that in my opinion the government had no right to compel foreigners, by the mere proclamation that this was a military point, to abandon their property, business, and interests, and to expose themselves to the losses, hardships, and privations that would inevitably be incident to a general evacuation. But the minister said that the right of the government to do so was indisputable, and that he had sent for me to advise me early not only of the intended evacuation, but that the government would also be removed from this place to Luque, a little village about ten miles inland, and that he had thus early advised me of these measures that I might the more easily obtain a convenient place of residence beyond the city limits. I told him that this provision and interest on my account were entirely unnecessary, as under no circumstances should I abandon my legation. Señor Berges urged that very likely the enemy would bombard the town, and that it would be dangerous to remain. But I told him that I should depend on my flag to protect my premises, and had no fear but it would be respected by the enemy, as once before, much against their will, when I came through their squadron, they had been forced to respect it. He then said that after the next day there would be nothing to be got in the markets, and it would be difficult to obtain a supply of food. But I told him I would take all those risks, but would never abandon my legation till so ordered by my government.

On returning to my house I found many people there, all anxious to know what I would do, and on being told that I was resolved to stay, many asked for shelter under my roof, and many more asked permission to leave their money and valuables with me. I told them that as regards the latter, all the protection that my house or flag could give would be freely granted, but that as for the former, it would be impossible for my premises to accommodate them all, and advised such as could get away to do so at once and not render themselves liable to incur the displeasure of the government by remaining. That night and the next day a great many people came to my house with such things as they considered most valuable. But I took no risk nor responsibility, and told all that in case of sacking, bombardment, or robbery, neither the legation nor myself would be liable.

I am the only foreign minister here, and there is but one fully accredited consul, the Italian, and he has been here only three months. The late French consul here was relieved in October last by a person named Cuberville, who was sent by the French minister in Buenos Ayres to take charge of the consulate until the arrival of a duly appointed consul. The Portuguese have an acting consul here, holding no commission from his government, and the three constitute the consular body. Late in the evening, after the incidents above mentioned, the three came to see me. They had heard that I was determined to remain, and the Frenchman and Italian were greatly concerned lest I should expose myself and family to the horrors of a bombardment and sacking of the town. They had resolved to leave the town and go with the government, while the Portuguese said he would take his chances with me and remain. The Frenchman, however, hastened to advise the government that his Portuguese colleague was not disposed to leave the city, and the next morning at seven o'clock he had a peremptory order from the government to de-

part within a few hours. The entire foreign population are intensely disgusted at the conduct of the French and Italian consuls. They believe if they had refused to leave the city, except as prisoners, and had advised all their countrymen to do the same, the government would not have ventured to force them to do so, and that if it had felt itself under the necessity of allowing the foreigners to remain, the miseries of the evacuation would have been spared to the natives. The evacuation, however, was enforced, and not a family remained in town except such as were under my roof. Several English families, the heads of which had been long in the government employ, asked me the privilege of occupying some vacant rooms pertaining to the legation. I advised them to first obtain the government's permission to remain in town. This being granted I gave them leave to come, and they yet remain here. I also received all the Americans here within my premises, so that besides the English I have about thirty persons on my hands. Among these is the former minister of government, war and marine, of Montevideo, Señor Don Antonio de las Carreras, who, from his strenuous efforts to repel the invasion of General Flores into the republic of Uruguay, made himself very obnoxious to the allies. Such was the condition of affairs here when the Brazilian gunboats approached the town on the 24th of February. The Paraguayans had still a small fort on the bluff of the river, just below or rather opposite the town. In this fort they had but one large cannon and three or four small field-pieces. At about 10 o'clock in the morning the iron-clads approached, when the firing between them and the fort commenced. The only Paraguay cannon large enough to be of any service against iron-clads had just been finished and put in place, and it was found that it could not be depressed enough to send her shot anywhere near the enemy. Nevertheless it was discharged a few times, and the Brazilians, after discharging sundry shot and shell, so far as I know without touching the fort and without having a shot come within a hundred yards of themselves, turned tail and went down the river, probably to give an account of their splendid victory.

For a long time we expected a return of the iron-clads with re-enforcements, but days and weeks passed, and we could only learn that they had gone down to seek shelter under the guns of Tayi, a point some two or three leagues above Humaita, where the allies have a large force. At length, on the 22d of March, we are told that the Paraguayans have achieved another great victory; that Paso-Pucu had been attacked in force at several points, and that the enemy had been repulsed at all points, with great slaughter, the Paraguayans, as usual, suffering little or no loss. This glorious news, however, was even followed by another announcement not quite consistent with it. It was that Marshal Lopez had abandoned Paso-Pucu with a large part of his army, had crossed the Paraguay, and come up through the Gran Chaco, on the right side of the river, about fifty miles, and then crossed back above the river Tebicuari, where he was again fortifying. A strong force, however, was left to defend Humaita. Such is the military situation so far as we can learn anything about it. We know nothing of what is transpiring below, except what the government chooses to disclose. Therefore we cannot judge anything as to the probable duration of the war. Our situation is about as cheerless as it is possible to imagine; deprived of many of the necessities of life in an abundant city, and cut off from all communication with the outer world, the monotony of existence is scarcely bearable. By my refusal to leave the capital, and become a camp-follower of the government, I have reason to believe I gave great offense, and that my relations with it will not be again so cordial as they have been. Indeed,

some things have occurred already, greatly to my annoyance, that show anything but a friendly disposition. The case of the American citizen, James Manlove, will be made the subject of a separate dispatch.

But it is feared by all, and believed by many, that the worst is not yet upon us. Should the enemy advance on the present positions of President Lopez, in such force that he will be obliged to retire, it is believed that he will fall back into the mountains with his army, driving before him all the population, including women and children, the old, the sick, and all foreigners. Such an extreme measure would probably have the effect, so soon as known in Buenos Ayres, to cause the most energetic measures to be taken, on the part of the foreign diplomatic representatives and naval commanders, to rescue their countrymen from the miseries to which they will inevitably be exposed. But I have no doubt that this step will be taken, should President Lopez be driven from his present position. Indeed, I know that the people, now living one or two leagues inland from the river, have received orders to be ready at a moment's notice to retreat to the woods and mountains. In that case the government would doubtless be removed from Luque to some place far in the interior, and the consuls will follow in its wake. As for me, however, I shall remain where I am, unless I am carried away as a prisoner.

I am, very respectfully, your obedient servant,

CHARLES A. WASHBURN.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Washburn to Mr. Seward.

No. 98.]

LEGATION OF THE UNITED STATES,

Asuncion, April 7, 1868.

SIR: On the evacuation of this city by order of the government on the 23d of February last, several Americans here resident asked permission to remain with me in this legation. Two of them I took into my employ to assist me in any way that might be required. Their names, with the names of several others whom I had engaged as servants, I sent to the minister of foreign relations, that the subordinate officials might be advised that they were entitled to legation immunities. Among these names were those of James Manlove and Porter C. Bliss. The minister acknowledged the receipt of my note, and said as these two were not servants it would be expected of them that they would confine themselves to the premises of the legation, as they would be liable to arrest like other persons if they went about the streets. They both went into the streets, however, in the immediate neighborhood of my house, as did also the English who had taken refuge under my flag. Mr. Manlove, however, when going out to attend to some animals in his care, was stopped in the streets by the police, when he turned and went to the police office to ask permission from the chief to attend to his animals. The chief, however, did not grant it, and he returned home.

At the time of the evacuation, a Frenchman named Laserre, whose house is very near, and nearly opposite to mine on the same street, gave his keys to Mr. Manlove, requesting him to shut up his premises after he was gone, and giving him full liberty to enter his house and take out and use anything that he might need during his absence. Some days after that Mr. Manlove took the keys of Mr. Laserre's house and went

over, intending to enter; but before he had done so he was encountered by some policemen, who demanded of him by what right he was entering those premises. He replied, by authority of the owner. The police then said he should first go to the police office and report that he was thus authorized before entering the house. He asked if he was to be considered as under arrest. They said no. Accordingly he went to the police office, since when I have not seen him. Immediately after his arrest I went to Luque to confer with Señor Benitez, who at present, in the absence of Señor Berges, is acting minister for foreign relations, and I afterwards wrote him an official note, which he answered at great length. At first it was pretended that his arrest was for having entered without authority the house of a foreigner, but when it was found that the owner had given him full liberty not only to enter, but to take away anything he might need, they changed their ground and said it was for going into the street without permission; but as all the English under similar circumstances had, until then, been in the habit of doing the same thing daily, and without molestation, it is clear that it is for unavowed reasons he is kept a prisoner. Perhaps it is from apprehension that being a man of much military experience, he is a dangerous man to have at large at this time, and perhaps it is to show spite against me for not having removed from this city to follow the government to Luque, and to whatever other points may be selected as a temporary capital. To me it appears a great affront to this legation, if not a direct violation of its rights.

I send copies of all the correspondence, and ask instructions.

I am, sir, very respectfully, your most obedient servant,

CHARLES A. WASHBURN.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Señor Berges to Mr. Washburn.

[Translation.]

DEPARTMENT OF STATE AND FOREIGN RELATIONS,
Asuncion, February 22, 1868.

I send you a copy of the proclamation issued this day by the Vice-President of the republic, declaring this city a military post, with the decrees necessary, which you will find in the text of the proclamation, which I also transmit for your consideration and observance.

With these observations, I have the honor to be, &c.,

JOSÉ BERGES.

Hon. CHARLES A. WASHBURN, *&c., &c., &c.*

Mr. Washburn to Señor Berges.

LEGATION OF THE UNITED STATES,
Asuncion, February 22, 1868.

SIR: The present critical condition of affairs in and near this capital has rendered it necessary for me to take into my service several persons in addition to those hitherto connected with this legation.

The following is a list of those employed by me:

Carlos Meincke, German, private secretary; Porter C. Bliss, American; James Manlove, American; George Hamilton, English; Catherin Leahy, English; Anabella Casal, Paraguayan; Basilio Jarra, Paraguayan; Melchora Jarra, Paraguayan.

I avail myself of this occasion to tender to your excellency assurances of distinguished consideration.

CHARLES A. WASHBURN.

His Excellency Hon. JOSÉ BERGES,
Minister for Foreign Relations.

Señor Berges to Mr. Washburn.

[Translation.]

DEPARTMENT OF STATE AND FOREIGN RELATIONS,
Asuncion, February 23, 1868.

I have received yours of the 22d instant, where the names of Mr. Porter C. Bliss and James Manlove, American citizens, and Anabella Casal, a Paraguayan, appear on the list as servants of your legation.

You will find from the proclamation I sent you the same day that this city was declared to be a military post from that date, and consequently subject to the orders of its commander, who is responsible for the security of the post under his command.

In order to avoid unpleasant incidents, the Americans, Bliss and Manlove, may remain in your dwelling, but not as servants, and not be allowed to go out, lest they be arrested by the guards, who have orders not to let any persons but public officials go about; and the Paraguayan woman, Anabella Casal, may remain with you under the same circumstances.

I must repeat what I communicated to you orally, namely, that the seat of government is transferred to Luque for the present.

I have the honor to be, &c.,

JOSÉ BERGES.

Hon. C. A. WASHBURN, &c., &c., &c.

Mr. Washburn to Señor Berges.

LEGATION OF THE UNITED STATES,
Asuncion, February 24, 1868.

SIR: I have the honor to acknowledge the receipt of your letter of yesterday, and take this occasion to thank you very sincerely for your prompt attention to mine of the day before at a time when your excellency must have been occupied with so many more important matters. At such a time as this I would not trespass on your attention again on the same subject had I not by an oversight omitted the name of Mr. G. F. Masterman as one of the persons attached to this legation. I will add, however, that the evacuation of the capital has rendered it necessary to receive into the legation such other persons as are required by the circumstance that nothing is to be obtained in the markets of the town, and that every service or labor required by my family must be performed within my own premises.

The correct list of persons connected with this legation as secretaries, attachés, companions and assistants to Mrs. Washburn, or as servants, is as follows:

Charles Meincke, German; Porter C. Bliss and James Manlove, Americans; George F. Masterman and George Hamilton, Englishmen; Concepcion Casal, Anabella Casal, Dolores Cavallero, Melchora Jarra, Basilio Jarra, and two washerwomen, Paraguayans.

In the same note of yesterday your excellency informed me that the government is removed temporarily to Luque. I presume, however, there will be frequent daily communication between that place and Asuncion, and shall avail myself of the various means existing for correspondence with your excellency, either by telegraph, railroad, or by courier, whenever the exigencies of the case may require it.

I take this occasion to offer assurances of high esteem and distinguished consideration.

CHARLES A. WASHBURN.

His Excellency JOSÉ BERGES,
Minister for Foreign Relations.

Señor Fernandez to Mr. Washburn.

[Translation.]

DEPARTMENT OF STATE AND FOREIGN RELATIONS,
Asuncion, February 28, 1868.

The undersigned, sergeant-major at the department of war and marine, in the absence of the minister of foreign relations, has the honor to send you an authentic copy of the supreme decree issued by the President on the 25th instant, declaring the whole republic in a state of siege.

Said decree confirms that of the Vice-President, making the city of Asuncion a military post, ordering its evacuation, and transferring the seat of government to Luque, which I now advise you of; and, while I regret your persistency in the resolution not to follow the government to its new site, I hope that all persons in your house will obey the orders that have been issued, or may be issued, by the competent authorities.

I remain yours, &c.,

FRANCISCO FERNANDEZ.

Hon. CHARLES A. WASHBURN, &c., &c., &c.

Señor Fernandez to Mr. Washburn.

[Translation.]

DEPARTMENT OF STATE AND FOREIGN RELATIONS,
Asuncion, March 4, 1868.

The undersigned, sergeant-major at the department of war and marine, in the absence of the minister of foreign relations, communicates to you the order of the Vice-President of the republic.

You received an official communication from the police department of Asuncion giving an account of the unpleasant incident of yesterday in that quarter, namely, the arrest of James Manlove, an American citizen living at the American legation, and his rescue by you in person, by violence and without explanation with the arresting officers.

The Vice-President has heard of this in wonder, inasmuch as you had been notified of the proclamation necessary in this mortal war against our unprovoked aggressors, and were expected to lend your valuable influence in the preservation of public order and obedience to law by everybody, without distinction of class or persons.

The government of the republic, ever desirous to retain the friendship of foreign nations, and to avoid all occasions of dispute, made known its decrees to the agents of friendly nations residing here. This was the spirit of the note of the 23d ultimo which was addressed to you, in answer to yours of the 22d. The government, to please you, did not specify the individuals sheltered by your legation, but requested that Mr. Porter C. Bliss and James Manlove, and Anabella Casal, might be kept within the walls of the legation, to save them from arrest by the police.

The government was therefore justly surprised, after these orders, at the incidents of yesterday, and regrets to be compelled to ask an explanation of acts so insulting to the officers and offensive to the dignity of the republic.

In communicating this order of the Vice-President of the republic, the undersigned has the honor to be, yours, &c.,

FRANCISCO FERNANDEZ.

Hon. CHARLES A. WASHBURN, &c., &c., &c.

Mr. Washburn to Señor Fernandez.

LEGATION OF THE UNITED STATES,
Asuncion March 5, 1868.

SIR: I have had the honor to receive your note of yesterday, and hasten to reply to it at the earliest possible moment. The unpleasant incident of the previous day to which you call my attention has been, I venture to say, much more disagreeable and unpleasant to me than to any other person in Paraguay. After a residence of more than six years in this country, in which I have always experienced the greatest kindness and courtesy from both government and people, it is a cause of deep regret to me that anything of this kind should take place, and especially at a time like this, when it is the duty of all, natives and strangers alike, to do nothing that can in any way embarrass the officers of government in the heroic defense that they and the whole people are making for the national existence.

Your honor remarks in reference to the unpleasant circumstances in question, that James Manlove, an American citizen attached to this legation, was arrested by the police of this city, and that when he was at the police office he was violently and without respect or consideration, or without consultation with any of the constituted authorities, taken away by me.

The facts of the case as I have been informed, and as I believe, were the following: Last evening a little before sunset Mr. Manlove and Mr. Watts, an Englishman, went out on horseback to attend to some cows that they had been in the habit of attending to for several days before, and to which no remonstrance had been made. As the town had been evacuated, and nobody was to be seen in the streets, they galloped their

horses, until, turning a corner, they met some policemen, who stopped them, and told them they were violating the law by galloping their horses. One of them replied that it could do no harm, as there were no people in the streets to be injured, and said they were only going a few squares to take care of their cows. The police officer in command then told them to go on, but said they must report themselves the next day at the police office. Mr. Watts, who understands Spanish, did not go on, however, but returned home, and Mr. Manlove, whose knowledge of Spanish is very limited, had understood the police to say that they could not go to take care of the cows, and he then said he would go and see the chief of police and ask permission to attend to them. To obtain this permission he went to the police office, and he did so of his own accord. He was not arrested, and, like Mr. Watts, was at full liberty to go on or return to this legation. But as he did not return for some two hours, I thought it my duty to go and look for him. I went to the police office, and knowing he had not been arrested, I advised him to mount his horse and come home. I was informed at the same time that the chief of police was not in his office, and as that official is doubtless at this time much occupied, so much so that my servant who brings provisions for my family from beyond the city limits has been frequently obliged to wait several hours before he could get a passport to do so, I did not see any reason why Mr. Manlove might not return home then and ask permission to look after his cows, at such time when the chief should be in his office.

The above I believe to be a true statement of the facts of this unfortunate incident. Certain it is, neither Mr. Manlove nor myself had any idea he had been arrested; and if so, his leaving the police was not intended, and could not show any intentional disrespect to the laws or authorities of Paraguay.

In regard to what your honor says respecting the immunities and privileges enjoyed by persons attached to this legation, I have only this to say, and I trust it may be completely satisfactory: This legation is not and will not be a place of refuge or protection for persons who violate the laws of the country. For my own convenience, as well as for the convenience of some English families, I have allowed some persons to take up a temporary habitation within my premises. But it is not that they may have immunity in the violation of any of the local laws, and I beg to assure you that, on being informed that any person connected with this legation has done anything in that time against the laws or police regulations of this city, he will be at once disowned and denied all the legation privileges.

I take this occasion to offer to your honor assurances of distinguished consideration.

CHARLES A. WASHBURN.

His Honor Hon. FRANCISCO FERNANDEZ,
Acting Minister of Foreign Relations.

Señor Benitez to Mr. Washburn.

[Translation.]

DEPARTMENT OF STATE AND FOREIGN RELATIONS,
Luque, March 20, 1868.

The undersigned, chief clerk of the department of foreign affairs, by order of the Vice-President, acknowledges the reception of your note of the 5th instant, in reply to one from the minister of war and marine, in relation to certain police disturbances, and returns this answer.

My government would have been pleased to find a satisfactory explanation of the incidents in question; but your account is incorrect, owing doubtless to false information. You will, therefore, allow me to give the correct version of the affair. The statement of the chief of police is as follows:

"On the 3d instant, a squad of police, under Edward Canteras, was patrolling the city, when at 5½ p. m., on the corner of Atajo and Pilcomayo streets, they saw the American, James Manlove, and the Englishman, John Watts, come galloping towards them on horseback. The police called to them to halt; Watts stopped, but Manlove rode on. The police then seized his horse, and ordered him to the guard-house. He at first refused, but finally consented to go after outrageous abuse of the police that stopped him. While the police were engaged with Manlove, Watts escaped, and went back to the legation as you state.

"When Manlove arrived at the station the chief asked him why he rode through the streets against orders. It seems he did not understand, and an interpreter was sent for. While waiting, Manlove said in Spanish that he was going for the milk woman. In a short time you came to the station, and the events occurred, of which complaint was made."

This plain statement will show you that what Manlove and Watts said was not true

I will not now remind you of the surreptitious manner in which Manlove got into the country; but I must say that his appearance in the streets was imprudent, knowing the contents of the note of the 23d from this department.

The government of the republic, in due appreciation of your apologies for the unpleasant circumstance, and regretting that it occurred at a time when the nation is struggling for its life, is astonished that you will shelter in your legation persons who have no right to seek refuge there.

In offering you an additional testimony of the friendly policy of our government towards yours, we hope you will not allow a repetition of such scenes, particularly as they are liable to occur frequently while the legation is so far from the seat of government, and in a military place, with such a large number of persons within its enclosure, admitted at the time of the evacuation of the city.

Thus having obeyed orders, I remain yours, &c.,

GUMESINDO BENITEZ.

Hon. CHARLES A. WASHBURN, *Sec., Sec., Sec.*

Mr. Washburn to Señor Benítez.

LEGATION OF THE UNITED STATES,
Asuncion, March 24, 1868.

SIR: Since the interview which I had the honor to hold with your honor yesterday, when I took occasion to call your attention to the case of James Manlove, an American citizen, now under arrest on the charge of having attempted to enter the house of Mr. Lasserre, a French subject, I have learned some additional facts in relation to the matter, which I hasten to communicate to your honor. In the before-mentioned interview, your honor informed me that before making a decision of the case the testimony of Mr. Lasserre would be taken, in order to ascertain if he had given his permission to Mr. Manlove to enter his house during his absence. Fortunately I have a witness, Mr. G. F. Masterman, now, and for the last six months, living in this legation, who can testify to the following facts, a part of which I am able to corroborate on my own personal knowledge:

On the 24th ultimo, Mr. Lasserre, previous to leaving the capital, gave the keys of his house to Mr. Masterman in the presence of Mr. Manlove, and told them both to enter the house whenever they liked, and take and use anything they found which they might need. This was at about 11 a. m., and took place in Mr. Lasserre's own house, which was then open, and when several people were in it on the azotea, of whom I was one, watching the shots from the iron-clads of the enemy, which had arrived and commenced firing that morning at the Paraguay fortress that was plainly in sight from the top of that house. Mr. Lasserre being obliged to leave town at that hour, bid me and the others good-bye, leaving his house open, not only the front door, but, as I remember well, the door of his main parlor. On giving the keys to Mr. Masterman, he requested him and Manlove to lock everything up safe after the other people should leave. Mr. Masterman returned home to this legation and gave the keys of the house to Mr. Manlove, who, at a later hour, locked up the house and also returned home.

Under this statement of facts, your honor will perceive that if there was any fault in entering the house of Mr. Lasserre, it was participated in by several others, including myself. Several persons were in it after the owner had left, among whom was Mr. Cuberville, a French citizen, having charge, at present, of the French consulate, as must have been well known to the police, since we were in full view at the top of the house from the time the firing commenced till the iron-clads run away. No objection, however, was ever made to the entrance at that time.

Your honor, I think, will also admit that if Mr. Manlove was authorized to lock up the house, he must necessarily have had authority to enter it and to unlock it. That the house was left open by Mr. Lasserre, I know of my own knowledge, and that Mr. Manlove locked it up is equally certain. It is also certain that he supposed he had a perfect right to enter that house, and had no idea that he was infringing any law of the country. I have been informed that he was told by the policemen who arrested him, that before entering the house he should have advised the police that he had been authorized by the owner to do so; but as there was no law to that effect, how could he know that such a thing was required? Mr. Lasserre, like every other foreigner, had an undoubted right to leave his house or other property in charge of any person in whom he had confidence. There is no law of France, or law of Paraguay, or law of any other civilized country that requires a man to intrust his private property, in which no third party has a claim, to any other person than such as he may himself elect. I am, therefore, unable to see how there has been any violation of law on the part of Mr. Manlove in accepting the care of Mr. Lasserre's house, locking it up, and afterwards unlocking and entering it, as he had been authorized to do.

In giving the above statement, your honor will observe that every part of it harmo-

nizes perfectly with what I give on my own personal knowledge; in fact, I have no doubt that it is exact and correct in every part, and being fully convinced of that fact, your honor will allow me to express the hope that Mr. Manlove may be immediately set at liberty.

I take this occasion to tender to your honor assurances of distinguished consideration.

CHARLES A. WASHBURN.

His Honor GUMESINDO BENITEZ,
Acting Minister for Foreign Affairs.

Señor Benitez to Mr. Washburn.

[Translation.]

DEPARTMENT OF STATE AND FOREIGN RELATIONS,
Luque, March 29, 1868.

Your note of the 24th, dated in Asuncion, has been received. In it you state that after your interview with me on the 23d, calling my attention to the case of James Manlove, an American citizen who was arrested by the police, you had obtained further particulars, which you hastened to communicate, and that I had told you Mr. Lasserre's testimony would have to be taken before the case could be decided; and that you had Mr. G. F. Masterman, who had lived in your house for six months, who could testify to the facts, a portion of which you yourself knew to be true. And you continue to say, that on the 24th, before Mr. Lasserre left the capital, he gave the keys of his house to Mr. Masterman, in Mr. Manlove's presence, and told them to enter the house and take what they pleased. This was about 11, you say, in Mr. Lasserre's own house, while several persons were on the azotea, looking at the enemy's iron-clads firing on a fortress. Mr. Lasserre being obliged to quit the city, left all the doors of his house open, and requested Mr. Masterman and Manlove to lock them when they left. Mr. Masterman went to the legation and gave the keys of the house to Mr. Manlove, who locked up the house and came away. And you conclude, under this statement of facts, we could perceive there was no wrong in entering Mr. Lasserre's house. Several persons were in it after the owner had left, among whom was Mr. Cuberville, of the French consulate, who must have been known to the police, and that no objection was made to enter the house at that time. You will also admit, you say, that if Mr. Manlove was authorized to lock up the house, he must necessarily have had authority to enter it and unlock it. That the house was left open by Mr. Lasserre you know yourself, and that Mr. Manlove locked it. It is certain that he supposed he had a right to enter that house, and had no idea that he was infringing any law of the country. He was told by the policeman that he should have informed the authorities that he had a right to enter that house; and finally you express the hope that Mr. Manlove may be set at liberty without delay.

Before I reply to your note, you will permit me to give a summary of our interview which took place on the 23d of this month.

On the morning of that day you came to the department with your lady, and in her presence said you would like to settle the matter with me in a friendly way; that you regretted the incident; that after your return from Limpio, Mr. Bliss told you that Mr. Manlove had gone to Lasserre's house for provisions, as he was authorized to do, and some policemen attempted to arrest him, but he returned to the legation followed by the chief of police, who told Mr. Bliss that Mr. Manlove must go to the station with him. Then Mr. Bliss went with Mr. Manlove to the station, to act as interpreter for him. This is the statement you made, and begged me to settle it amicably, as it had occurred in your absence.

I replied that the affair was certainly unpleasant, as my government was friendly to yours, and it was to the interest of the people of both countries to continue those friendly relations, but that Mr. Manlove was doubly guilty for going into the street, and for opening a house of another person after the city had been evacuated, and declared a military post by the government, and that the police were right in arresting him. Your answer was, that you knew Mr. Manlove was a respectable man, but of violent temper, and you would like him to go into the country or quit the legation, and asked me what would be done in the case. I then asked you if Mr. Manlove knew of the proclamation of February 23, and you said yes. I then told you the case would have to be tried, and I would report the result to you. I must add, that in that interview you told me Mr. Bliss slept in his own house and only came to the legation to eat.

Having thus stated the facts of the case, I will give you my answer.

I must confess, Mr. Minister, that I am surprised at your note; but I am compelled to believe that it was with the best intentions that you made the statement that Mr. Lasserre had given Mr. Manlove permission to enter his house during his absence, caused by the evacuation of the city by supreme command.

There are so many subjects in your note I cannot reply to them all, but I must say that your reasoning is not logical when you say it was not wrong to enter Mr. Lasserre's house because many persons did so, yourself among the number; and Mr. Manlove's case is very different, for he went into the house after, till he was caught by the police on the 21st in the very act, and this was before the expiration of the forty-eight hours, in which the evacuation of the city was to be completed. Neither can I agree with you that if Mr. Manlove was authorized to close the house he was also authorized to open it at any time. The assertion that he thought he had the right to enter the house, without infringing any law of the country, is also false, because the note of the 23d, from this department, forbade Mr. Manlove and Mr. Bliss from going out of the house, and you made that order known to them. In alluding to the remark of the chief of police, that even if Mr. Manlove was authorized to enter Mr. Lasserre's house, he should have asked permission of the authorities to do so, you say: "But as there is no law to that effect, how could he know that such a thing was required?" Now though there may not have been a law on the subject, it is evident if a man is not allowed to enter the city, he cannot enter a house in it without permission of the authorities, for the proclamation ordered the evacuation of the city, and forbade any one to enter it, after forty-eight hours had expired, without a special permit. So Mr. Manlove is doubly guilty, as he left the legation without permission, and entered a house against an express order, and there is no extenuating circumstance in his case. To admit your principle would be to destroy all authority for order in civilized countries.

Everybody will admit that Mr. Lasserre had a right to leave his house in the care of any man he pleased, under ordinary circumstances; but when there is an express law against such an act, he has not that right. To enter a house after the proclamation of the 22d, is equivalent to sacking an unpeopled city, and it is an aggravating circumstance in Mr. Manlove's case, as he was forbidden to leave the legation.

You say there is no law of France or Paraguay, or any civilized country, that requires a man to intrust his property to any other than he may elect, and I agree with you on the general principle; but I cannot see how Mr. Manlove violated no law by opening and closing Mr. Lasserre's houses, after the expiration of the forty-eight hours, and under the circumstances mentioned.

When I received your note about Mr. Manlove and the police, after our verbal conference, I expected the thing settled, but I was sadly disappointed to find in it only assertions that no law had been violated by Mr. Manlove, and that he had acted rightly. But you must certainly admit that Mr. Manlove did violate laws by entering houses in the city of Asuncion, that was under martial law, and by leaving the legation after having been expressly forbidden to do so.

I will now remind you of my note of the 20th, when I thought the affair at an end, and advised you not to let it happen again, as it might while the legation was so far from the seat of government, and in a city which was under martial law.

I regret to have to make these details, but circumstances compel me to it.

You will allow me to mention that when military necessity demanded the evacuation of the capital, to make it a military post, the proclamation was sent to you with the note of 22d February, and on the 23d of the same month you were informed that the capital was a military post; and Mr. Berges told you that Bliss and Manlove might stay in your house, but could not leave it, and you were informed that the seat of government was temporarily transferred to Luque. An answer to this communication was naturally expected from you, but none has been received, and you did not deign to give your reasons for not moving with the government, and choosing to remain in a military station, being the only one of the foreign agents who did so; nor did you give any reason for sheltering so many people in your house, and among them two whose names you refused to give to the minister.

After the note of the 23d, my government hoped that Bliss and Manlove would obey instructions through your advice, as they were staying with you contrary to law, but subsequent events have shown that they did not obey the decree, as Mr. Manlove's row with the police demonstrates, as well as his forcible entry into Mr. Lasserre's house. Mr. Bliss also violated the decree by living in his own house, and not at the legation, where he only came to get his meals.

This occurrence of circumstances, Mr. Minister, has attracted the serious attention of my government, and was the reason for asking an explanation of you, which we hope you will make, with a promise of no more violations of the law by persons in your legation. We also hope you will consider the justice of satisfying public honor and the dignity of the government by apologizing for Mr. James Manlove's conduct. However well disposed this government may be towards the representative of the United States and its citizens, that have been always treated with consideration, it cannot comply with your request that Mr. Manlove be immediately set at liberty.

I embrace the occasion to repeat the assurances of my most distinguished consideration.

GUMESINDO BENITEZ.

Hon. CHARLES A. WASHBURN, &c., &c., &c.

Mr. Washburn to Señor Benitez.

LEGATION OF THE UNITED STATES,
Asuncion, April 4, 1868.

SIR: I have the honor to acknowledge the receipt, on the 31st ultimo, of your note bearing date of the 29th, in answer to mine of the 24th, on the question of the arrest and detention of the American citizen Mr. James Manlove. This note of your honor has occasioned me both surprise and regret. In my previous note on the same matter I had given my reasons, founded in part on my own personal knowledge, for believing that Mr. Manlove had not intentionally violated any law or police regulation of Paraguay, and I cannot but be surprised at the different conclusions to which your honor has come on the same evidence. That it should cause me regret your honor can understand, as you will do me the justice to admit it has always been my wish and practice to avoid all unpleasant differences, and to arrange amicably, and without insisting on technicalities or formalities, any question that might arise; and I am equally willing to concede that the government of Paraguay has shown a like disposition, and ever evinced a willingness to waive forms and technicalities, going so far in some instances as to grant requests from courtesy that I could not claim as rights. For these reasons I deeply regret an occurrence like this of Mr. Manlove, in which I am compelled to take a view of the affair so different from that of your honor. My views of the case were expressed in my note of the 24th ultimo, and as they differ so entirely from yours, on which the government has formed its resolution to still detain Mr. Manlove as a prisoner, I do not see as any good purpose can be subserved by my reiterating my opinions, or alleging anything in addition. I have now only to report the case to my government and await its instructions; and, unless something now unforeseen should occur, the correspondence on the question, for my part, will close for the present with this letter.

In the note of your honor to which this is an answer, allusion is made to a circumstance that I am very glad to have this opportunity to explain, as I think it will appear that there was neither discourtesy nor neglect, as is intimated in your note, in my not answering at the time the letter of Señor Berges of the 23d, in which he officially advised me of the removal of the government to Luque. I wrote an answer to that note on the following day and sent my secretary three times to the different government offices to deliver it to some person who would forward it to Luque. After two unsuccessful efforts to find some person who would forward it, he went to the chief of police, who refused to receive it, and before I found an opportunity to send it I learned that Señor Berges had gone to Paso-Pucu. I therefore withheld it for his return, but as he did not return I did not send it until I was advised verbally by your honor that you had been named as acting minister of foreign relations during his absence. During this time circumstances had so changed as to seem to render it unnecessary to trespass any further on the attention of the government in regard to the personal affairs of this legation; and as in the meanwhile other events had transpired in which the removal of the government to Luque was treated as an accomplished fact, it did not occur to me after so long a delay that any formal answer on that point was expected or required by courtesy or official etiquette. The identical letter which I wrote on the 24th and endeavored to send to his excellency Señor Berges, I have the honor to inclose herewith. I can now only regret I did not send my secretary to Luque to deliver it at the time, but attaching little importance to it save as a matter of form, and not anticipating the departure of Señor Berges, I did not suppose that a delay of a few days more or less could make any difference. Another point to which your honor alludes seems to call for a reply from me; it is that I have not given formally the reasons that have led me to fix my residence far from the government and in a part purely military, making myself the only exception among the foreign agents, and admitting an increased number of persons into my premises without giving information of the fact as requested by his excellency Señor Berges.

To the first clause of this allegation, that I have not given my reasons for staying in this city, is that I had never heard it alleged that it was the duty of a foreign minister to give his reasons officially to the government to which he is accredited for preferring one place of residence to another. Foreign ministers, so far as I know, select their own places of residence, generally for their own convenience near the seat of government, and in my limited experience I have never known that a duly accredited minister was ever before called on to give formal reasons to any government, except his own, for his choice of residence, and much less to give his reasons for not changing it. Therefore, while I consider it would be improper to give reasons for acts for which I am responsible only to my own government, I will state my opinion on the duties of ministers and consuls in cases more or less analogous to the one under consideration, and shall cite such precedents as occur to me, as apropos to the occasion.

When James II of England left London and established his court in Ireland, he was not followed or accompanied by any foreign minister of neutral or independent powers; and in later times, when the capital of France has been in the possession of foreign in-

vaders, the ministers have always remained to look after and maintain the interests of their own countries. It is true, that in those cases there was no order for the evacuation of the different capitals. Such order, however, would not have applied to foreign ministers, as they are not subject to the laws of the country to which they are accredited, and their legations are considered as extra-territorial, and being for the time out of the limits and jurisdiction of the country where they reside.

Many instances might be adduced in the history of Spain, Naples, and during the wars of Napoleon, of the capitals of several other countries when they were vacated temporarily by the government. But in no instance was the status or official character of the foreign ministers near the court affected. They never accompanied the government in its removals, but they staid at their posts in the interests of their own governments, to guard and protect the rights of their own people. They acted on the principle that ministers and consuls are appointed to reside in foreign countries in order to watch over and protect the interests of their own country and countrymen, and not expected to desert their posts at the time when their presence is most needed. Such, also, is expected of them by my government, and if the agents of other nations here have seen fit to pursue a different course, it is no guide for me.

But I have another instance to cite much more to the point and of a very late date. At the time of the invasion of Mexico by the French troops in 1862, there was a minister of the United States there, duly accredited to reside near the capital of that republic. The post was filled by one of our most illustrious and experienced statesmen. The French troops advanced, as your honor is aware, till they finally took the city of Mexico and set up the unfortunate Maximilian as emperor. Our minister, however, acting under direct orders from his government, refused to recognize him, or to treat him in any other way than as a usurper and an invader, having no right there. The government of Juarez, however, was transferred to San Potosi, and the United States minister was invited to accompany it, but he declined, and his course was approved by President Lincoln. Since that time another minister to Mexico, in place of Mr. Corwin, who at his own solicitation was permitted to retire, has been appointed, but he never entered the country till the government was re-established in its ancient capital. Under all these circumstances, and with so many precedents, if at this time I were to leave my legation and abandon the old and time-honored capital of Paraguay, I know full well that the act would be repudiated by my government and be followed by my instant recall. Your honor will see, therefore, that for me there was but one course to pursue, and having taken that course which I know will be approved by my government, I have nothing further to say in the premises. On but one other point of your note will I remark at this time. It is that where your honor says you await for explanations in regard to matters referred to in your letter, and also security that a similar act to that of Mr. Manlove will not be repeated by any of the persons now residing in this legation. The explanations have been given above. As for the security, I know not what kind of security is expected. I have duly advised all persons who have not been accepted and recognized as attached to this legation, and therefore entitled to all its privileges and immunities, that if they go beyond the precincts of the legation, it will be at their own risk and peril, and if in doing so they should be arrested by the police, I shall not interfere in their behalf.

I avail myself of this occasion to tender assurances of distinguished consideration.

CHARLES A. WASHBURN.

His Honor GUMESINDO BENITEZ,
Acting Minister of Foreign Relations.

Mr. Washburn to Mr. Seward.

No. 99.]

LEGATION OF THE UNITED STATES,

Asuncion, April 17, 1868.

SIR: In my dispatch of January 13, No. 95, I had the honor to ask the second time for my recall. At the same time I wrote to our minister in Buenos Ayres, Mr. Asboth, and to our consul, Mr. Hollister, and also to Messrs. S. B. Hale & Co., who have always cashed my drafts and attended to any other business I might have there, informing them all of the very disagreeable circumstances in which I am placed with my family, and requesting each of them to make an effort to communicate with me, and to forward my correspondence. I authorized them to charge the whole expense of a special messenger to me. At that time

it had been three months since I had received any dispatches or general correspondence, and now three months more have passed and not a word in answer has reached me from any source. From this I am led to fear that those dispatches never reached Buenos Ayres, though I was advised by Señor Berges that they were promptly sent through the lines to the allied camp under flag of truce. On this suspicion, and now for the third time, I ask for my immediate recall, and I ask that means may be provided me for leaving the country. Without the aid of a national war vessel I cannot do it, for nobody has entered or left the country for the last three years without such auxiliary. In my dispatch No. 97 I have stated how the city was evacuated, and that only the persons within this legation remain in it, and that very probably the inhabitants who have been compelled to remove for a few leagues would, if the fortune of war were unfavorable to President Lopez, be all compelled to resort to the woods and mountains. My own relations, owing to my refusal to abandon my post, are far from satisfactory, and I know not what is in store for me. If the inhabitants should be all ordered to the mountains, it will not be possible to get even the poor supplies we are now able to obtain within a league or two of the town. Still I think we could exist for some weeks; and if we cannot exist longer, I can only say I shall not go into the interior except as a prisoner. After the many representations I have made to parties below to try and do something for our relief, I consider it hopeless to expect anything till specific orders from Washington shall compel attention to their duties. Should subsequent events occur that may cause astonishment and regret at the indifference manifested in the affairs of this country and the persons here detained, it can never be alleged that I have not made full and earnest representations of the impending calamities.

I am, sir, very truly, your most obedient servant,

CHARLES A. WASHBURN.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Seward to Mr. Washburn.

No. 76.]

DEPARTMENT OF STATE,

Washington, June 2, 1868.

SIR: I have to acknowledge the receipt of your dispatches numbered 95 and 96, of the 15th and 17th of January last.

I have read with painful interest the account which you give of the unhappy condition of affairs in Paraguay, and in view of which you have been induced to tender your resignation of the position of minister resident of the United States at Asuncion.

I am directed by the President to inform you, in reply, that your resignation is accepted, with permission to exercise your own discretion in regard to awaiting the arrival of a successor.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES A. WASHBURN, Esq., &c., &c., &c.

Mr. Seward to Mr. McMahon.

No. 3.]

DEPARTMENT OF STATE,
Washington, September 2, 1868.

SIR: When, on the 18th day of August last, you were on the eve of your departure for Asuncion, the capital of Paraguay, as minister resident of the United States to that republic, this department, by direction of the President, requested you to remain in the United States until you should receive further instructions. The occasion of that direction was that Rear-Admiral Davis, who commands the United States South Atlantic squadron, had just then reported that he had sent the United States ship of war *Wasp* up the Parana for the purpose of bringing away your predecessor, Mr. Charles A. Washburn, and his family, from Asuncion, thereby removing them from an embarrassing and possibly dangerous situation. Rear-Admiral Davis had further reported that the Marquis de Caxias, who commands the allied forces, had refused to permit the *Wasp* to pass through his blockade up to Asuncion, in consequence of which refusal the *Wasp*, after a long delay, had returned to Montevideo without having accomplished the object of her voyage. The admiral having brought this transaction to the knowledge of Mr. Webb, the United States minister at Rio, that minister had made it the subject of a representation to the government of Brazil, in which he demanded that the proceedings of the Marquis de Caxias might be disapproved, and that the *Wasp* might be allowed to proceed without delay to Asuncion, for the purpose of removing Mr. Washburn and his family from that place. Mr. Webb, at the same time, gave intimations to this department that, if the demands he had thus made upon the Brazilian government should be denied, he should, in that case, ask for a passport, and immediately withdraw from Brazil. The Brazilian government was still holding the demands of Mr. Webb under consideration at the time when your intended departure was arrested by this department.

It was then supposed that the opposition which the Brazilian commander of the allied forces made to the use of the United States ship of war for the removal of Mr. Washburn from Asuncion, if persisted in, would equally embarrass your journey to Asuncion. It was necessary, in any case, to wait for the answer of the Brazilian government to Mr. Webb's demands, before the President could properly determine what measures should be adopted, either to bring your predecessor away from Asuncion, or to secure you a safe and speedy passage to that capital. What the government did determine, at that time, on the subject was communicated to Mr. Webb. This government thought it neither improper nor premature to consider the transaction of the hinderance of the *Wasp*, which had been brought by Mr. Webb to its notice. The proceeding of Rear-Admiral Davis in sending the *Wasp* up to Asuncion for the purpose of bringing Mr. Washburn away was approved; and this government held that it has a perfect right to send a ship of war up the Parana to Asuncion for the purpose of receiving a United States minister and his family, and conveying them from scenes of siege and war to neutral territory or waters; that the refusal of the marquis to permit the *Wasp* to pass up the Parana violated becoming comity on the part of Brazil and the allies towards the United States, and was in contravention to the laws of nations; that Mr. Washburn and Commander Kirkland properly declined the alternatives which had been offered by the Marquis de Caxias, and the requests which Mr. Webb

had made to the Brazilian government in regard to the whole transaction were approved and adopted.

On the 22d of August last a voluminous dispatch was received from Mr. Webb, which bears the date of the 22d of July last, and which was accompanied by a copy of a further correspondence which had taken place between himself and the Brazilian minister for foreign affairs. This correspondence, however, had not reached a definitive conclusion, and the demands which Mr. Webb had made still remained without a definite reply on the part of the Brazilian government, so that on the 22d of July last Mr. Webb's demands still remained under the consideration of the Brazilian government. Important events are unofficially known to have occurred on the Parana since that date. The fortress of Humaita has been evacuated by the Paraguayan forces, and the allies have advanced somewhat further up the river, in the direction of Asuncion.

It is not improbable that the military considerations which may have influenced the Marquis de Caxias to refuse permission to the Wasp to pass through the blockade may now have ceased. It is deemed not improbable that Mr. Washburn and family may have already descended the river.

To-day I received from Mr. Webb a dispatch, which bears date August 7, and which came from London by cable, in which dispatch he says that the Brazilian ministry has yielded to his request, and that the Wasp goes to Asuncion.

The information thus received is deemed sufficient to warrant your proceeding at once by the next United States steamer to the seat of your legation. You will, however, stop at Rio long enough to communicate with Mr. Webb, and also at Montevideo and Buenos Ayres to communicate with the consulate and legation at those places, and to ascertain whether the military obstructions to your voyage up the river, which were heretofore apprehended, have been removed. It is very desirable to avoid the trouble and expense of sending a ship of war up the Parana merely for the purpose of conveying you to your post. You will therefore proceed by such other conveyance as shall offer itself, if it be reasonably safe and feasible. If no such conveyance shall offer, you will then confer with Rear-Admiral Davis in regard to the most suitable way of reaching the capital of Paraguay. You will be expected to show this instruction to Mr. Webb and to Mr. Worthington, and to the rear-admiral. In so doing you will take care to say that I have altogether refrained from discussing in this paper the diplomatic question, which has been raised at Rio, concerning the hinderance of the Wasp on the previous occasion.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

MARTIN T. McMAHON, Esq., &c., &c., &c.

Mr. Seward to Mr. McMahon.

No. 4.]

DEPARTMENT OF STATE,

Washington, September 3, 1868.

SIR: Very few words will suffice for your instruction in regard to the political conduct of your mission. You will assure the President of Paraguay of the sincere and cordial friendship of the government and people of the United States for the government and people of Paraguay.

The United States recognizes every foreign nation with which it has treaty connections as sovereign, and as such having a right to make or carry on war, for such causes, or on such occasions, as it may deem just and proper.

The United States consequently avoid alliances or engagements by which they might become parties in the conflicts of other nations. They have asserted and faithfully maintained neutrality in the unhappy war which has so long existed in the valley of the La Plata. Nevertheless the United States regard wars between the several states of this continent with sincere regret, and they have, therefore, constantly tendered their good offices to the belligerents for the purpose of procuring an end of hostilities and a restoration of peace among the nations of South America.

This is the spirit of the instructions which have been given to your predecessor, and they will be found sufficient for your guidance.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

MARTIN T. McMAHON, Esq., &c., &c., &c.

Mr. Washburn to Mr. Seward.

No. 100.]

BUENOS AYRES, *September 26, 1868.*

SIR: At length I have escaped alive from Paraguay, and have brought the larger part of my family with me. Two members of my legation, however, Porter C. Bliss and George F. Masterman, were seized by the police of President Lopez, at the moment of their starting to accompany me to the steamer, at the time of my departure. The condition of affairs in Paraguay, at the time I left, was horrible beyond description. All, or nearly all, of the foreigners were in prison and heavily fettered, and I believe if the steamer that came to take me away had been a month later, I should have shared their fate. Lopez pretended, some three or four months ago, to have discovered some sort of a conspiracy, and after arresting almost all the foreigners, demanded of me that I should deliver up to the tribunals those who had sought asylum in my house at the time the Brazilian fleet went to Asuncion in February last. To defend these men and save them from the clutches of Lopez, I had a correspondence with the government long enough to make a volume of diplomatic dispatches. It was all in vain, however. They all had to go; though none, except Bliss and Masterman, were taken by force. Had not the Wasp come to my rescue, I have no doubt I also should have been shot, or else held a prisoner and subjected to torture. Lopez pretended to believe that I, too, was engaged in the conspiracy, and in his last letters gives what he says are the declarations of his two brothers, his ex-minister of foreign affairs, Don José Berges (the same who went as commissioner to the United States in 1859) and his chief justice, Señor Urdapilleta, in which they all say that they were engaged in a great conspiracy, and that the American minister was at the head of it, and used his official seal to cover the correspondence between the traitors and the enemy. Of course, when he included such declarations in official correspondence, I asked for my passports, but I did not receive them until the arrival of the Wasp. Even then I was not able to get away for nearly a week, and until I was on board the Wasp, I had good reasons to apprehend I should not get away at all.

Since my arrival here I have had no time to write a full or succinct account of the horrors of the last three months. Nor can I send you copies of my correspondence till the next steamer. I send, however, with this the Buenos Ayres Standard, containing my last note to Lopez, written after I was on board the Wasp, and also a letter written by me to the English minister here, after my arrival, giving him an account of the situation of his countrymen and of all foreigners in Paraguay. This will give as good an idea of the real condition there as anything I could write. I will, however, as soon as I possibly can, give you even a more full and detailed statement than this. But since my arrival here I have been completely run down by people who have come to inquire of me in regard to their friends in Paraguay. I regret that I have but one answer for them all: "Lopez has killed your friends, or holds them in prison loaded with fetters." I fear, too, that none of them will escape with their lives. I take it for granted that all of those whose declarations have been published, including the two brothers of Lopez, and his ex-minister José Berges, have been or will be executed. They will not be left to deny them, or to give an account of the tortures by which they were extorted.

I am confident there has never been any conspiracy, for I do not believe that under the system of espionage that exists throughout Paraguay, and the universal distrust that everybody has for everybody else, there are three men in the country so foolhardy as to engage in anything of the kind. Lopez, however, in his policy of extermination, and of leaving no one to testify against him, has declared that there is, and seems to imagine that confessions extorted by torture will justify him before the world in executing those who have made them; or rather, those whom he declares to have made them. It was to dispel this illusion that I sent him my note of September 12, when on board the Wasp.

My letter to the English minister was first published in the Standard, and has been translated and published in most of the native papers. It has caused a general thrill of horror. The English, French, Italian, and Portuguese ministers have all sent gunboats up the river, in hope of rescuing their unfortunate countrymen. Neither of them, however, would have been allowed to pass the blockade had not the Wasp done so previously. The French and Italian ministers are very much concerned about their consuls there, as Lopez has taken and is reported to have shot the Portuguese consul, and subjected the vice-consul to such treatment that he died under it. They all say there is no question now of national dignity, of law or right; all these considerations are to be sunk under the imperative duty of rescuing their countrymen from the grasp of a madman.

In regard to the publication of this correspondence, I wish to say that Lopez began to publish it in his *Semanario* and continued it till, in my note of the 11th of August, I showed, by citing facts and dates, the entire falsity of the declarations said to have been made by Berges, Carreras, and others, and that for some three weeks the *Semanario* did not appear again, and that when finally another number did appear, a day or two before my departure, though bearing date nearly a month before, no more of the correspondence was published nor was any allusion made to it. Copies of the *Semanario* having the correspondence as far as published, however, were brought below without my knowledge by the Wasp, and besides these copies of the last notes of the government to me were somehow smuggled through in the same way to be published here. On being informed of this, after my arrival, I considered that it would be better to have it published complete than to have only such

parts of it given as might suit the purposes of President Lopez. I have, therefore, given to the newspapers here those notes that Lopez seemed most anxious to suppress, and believe that under the circumstances my course was judicious and will be approved.

Though I have staid the last year in Paraguay, to my great pecuniary loss, and have been compelled to live without many of the necessities of life, and have done it all in order to be of service to others, nearly all of whom were of different nationalities than my own, I find on arriving here I am greeted by the press (with the exception of the *Standard*) with a perfect storm of obloquy.

The newspapers publish eagerly all my correspondence, and give my testimony as evidence of the wisdom and justice of the "triple alliance" and a vindication of the conduct of the war. At the same time they cannot conceal their vexation that Lopez did not shoot me. Twice I had forced their blockade in vindication of the rights of nations and my rights as a minister of a nation friendly to all the belligerents, and because I had done that they supposed I was a great friend of Lopez, whereas I have always regarded him as the worst man, and his as the worst government in the world. In this published correspondence there also appear some expressions not at all complimentary to the allies. I believe all the world is of my opinion that throughout this war they have shown a degree of slowness never surpassed, as if it were their purpose to exterminate the Paraguayans without meeting them in battle. They have, therefore, regarded me with great disfavor ever since I returned to Paraguay, and they cannot conceal their chagrin that Lopez did not make a climax of his atrocities by killing me. This, they imagine, would have justified the "triple alliance," and established the courage and endurance of the allies, in taking as many years to conquer Paraguay as they ought to have been months.

But, had Lopez made me a prisoner, and shot me as a conspirator, they know that the contempt they have brought upon themselves by their imbecility would be diverted from them, and that the burden of the war would be transferred to a more powerful nation, and that they would be relieved from further responsibility in regard to its further prosecution. Their vexation and annoyance, therefore, that Lopez did not kill me is extreme, and the same papers that quote me as authority for their execration of Lopez quote his tortured witnesses as evidence against me.

I learn that a new minister has been appointed for Paraguay, and it is supposed he will soon be here. I shall not feel justified in leaving this place till he arrives, and I can fully advise him of the condition of affairs in Paraguay. I take it for granted that, if he comes, he will not go up the river till he has further instructions from the department. Should he go up now, or a month hence, he would probably find that Lopez had fled to the Cordilleras; but should he not come soon, I shall consider that I ought to remain here till I can consult Mr. Webb, in Rio, in regard to the case of those two members of my legation, Mr. Bliss and Mr. Masterman, who were taken from me by force by President Lopez. I cannot abandon them as long as there is a possibility of saving them. Truth is, I fear they have both been executed before this, though I know that nothing exists or could be proved against them were the witnesses outside of Paraguay. Lopez, however, can produce declarations of honorable men that they have committed every imaginable crime, including sorcery, treason, arson, flat burglary, and trespass on the case.

I was unable to comply with your instructions to leave the archives of the legation with some responsible American citizen in Paraguay, in whom I had confidence. Unfortunately all such were prisoners at the time I left. I therefore gave them in charge of the Italian consul there, Mr. Lorenzo Chapperson.

Very respectfully, your obedient servant,

CHARLES A. WASHBURN.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Washburn to Mr. Seward.

No. 101.]

BUENOS AYRES, *October 5, 1868.*

SIR: With this I send you copies of all the correspondence I had with the government of Paraguay subsequent to my dispatch of January 17, 1868, which appears to be the latest that President Lopez allowed to pass through the military lines. Other dispatches that I sent in the month of April I now learn never reached this city, and I therefore send duplicates of them. In these dispatches, Nos. 97, 98, and 99, I gave full accounts of the events that had transpired in Paraguay subsequent to the passage of the allied squadron above Humaita, and the evacuation of Asuncion. But as I was obliged to intrust them to the hands of Lopez to be forwarded, I felt it necessary to be very guarded in my language, as I suspected they would be opened and detained by him, and if they contained anything unfavorable to him or his cause, that all to whom I had given shelter and protection would be exposed to his implacable vengeance, and my own situation rendered as disagreeable as possible. I nevertheless repeated my request to be recalled, and gave a full account of the circumstances of the evacuation, and stated my reasons why I wished to get away. Matters had been going on from bad to worse, till even at that time a reign of terror existed, such as had never been known in the worst days of France. I had thought it my duty to stay as long as I could be of any service in giving aid or protection to foreigners, or even to Paraguayans, who might seek the shelter of my flag at the last extremity. It was evident to me by that time, however, that though by remaining I might give a sense of security, the reality I could not give; and that if Lopez were forced to retire into the interior, he would leave no one in his rear, not even me nor any one belonging to the legation.

These dispatches, with private letters, undoubtedly were opened and read by Lopez, and he learned from them that I was tired, sick, and disgusted with him and his government; for soon after sending them, when I went to visit him at his headquarters on the arrival of the Wasp at Curupaity, to see if I could not make some arrangements so that she would come above the blockading squadron, I found him morose and churlish. Previously he had always evinced a disposition to keep on amicable terms, and his changed manner I ascribed partly to the fact that he was losing ground in the war, and partly to the circumstance that I had given asylum to so many persons in my legation. I was previously well aware that it was gall and wormwood to him to have it supposed that there was one house, or one person even, in Paraguay, over which he could not exercise his absolute power; and before I left him to return to Asuncion he gave me to understand that the persons whom I had admitted into my house would not be allowed to remain there.

I then saw clearly that there were "breakers ahead," and the first thing for me to consider was how I should get my wife and child out of the country without abandoning those who had sought refuge with me, or the larger number who had looked to me as their last and only hope. I knew perfectly well that if I had asked my passports at that time and requested Lopez to send a steamer to convey me under flag of truce to Curupaity, he would not have done so. He would probably have said that there were so many torpedoes and other obstacles in the river that he would not venture one of his steamers to pass them, and there was no other way by which I could get aboard the *Wasp*. My only hope, therefore, of getting my family away was that the *Wasp* would pass above the blockade, and if I could once get them out of danger, I was disposed to remain to give protection, or at least a sense and feeling of protection, to the foreigners. At such a fearful crisis I thought it would appear cowardly and selfish for me to go away leaving hundreds or thousands who believed that my presence in the country was a guarantee of their safety. But at that time I had not the most remote idea of the absurd and preposterous charges that were soon to be made, not only against those whom I had protected, but against myself.

The *Wasp*, however, was not allowed by the Brazilians to go above the squadron at that time, and her commander, after waiting for nearly two months and finding that he could do nothing to relieve me without going higher up the river, returned for further instructions. I then supposed he would soon return with orders to force the blockade if necessary to effect a passage. Events, however, were occurring about the time of the departure of the *Wasp* that led me to suppose Lopez had become distrustful of everybody. Gradually I found that the most of those foreigners who had looked to me for safety were one after the other arrested and taken in irons to headquarters. What their offense was no one in my house could imagine. Then came the succession of events as related in my letter to the English minister on my return to Buenos Ayres, a copy of which I send with this.

The several foreign ministers here are greatly exercised concerning the course they ought to pursue. They have all asked my opinion, and I have told them that Lopez was amenable to no principle or sentiment but fear; that his reiterated vaunt that he would fight to the last man and last dollar, and fall on the field of battle when all was lost, was but the whistling of the boy passing through the graveyard; that he would save his own detested person at last if possible, and carry with him all the money and jewels that he could rob from their rightful owners; that with all his apparent recklessness, such was his ultimate intention; that he would sacrifice everybody so far as possible, and yet leave a safe retreat for himself; that he was infatuated with the idea he could seize any foreigner and confiscate his property and then publish what would purport to be his confession or "declaration," confessing himself to be a conspirator or plunderer of the treasury, or both, and that this would be received as ample justification for shooting him and taking his property; that to leave no intelligent witnesses to testify against him he would take care to butcher all intelligent people, Paraguayans and foreigners alike, relying on the "declarations" he had caused to be promulgated as theirs as his own justification. In conclusion, I have added that being thus convinced of his intentions, and knowing so well his character, the only means that the foreign ministers had of giving security to their countrymen in Paraguay was to awaken the fears of the despot who held them in his power, and that, in my opinion, the most efficient way to do this was for them all to unite in a joint note to Lopez and warn

him that he would be held responsible by their respective governments for the lives and good treatment of all their fellow-countrymen.

The course I have suggested, however, has not been adopted. The ministers fear to do so lest it may provoke Lopez to an indiscriminate massacre of all foreigners. They feel that they are treating with a madman, and doubt whether his personal cowardice gives such "method to his madness" as would make him consult his own safety. Instead of the course thus suggested by me, they have sent the gunboats of their respective nations to pass through the squadron, each one to forward a message to Lopez requesting him to send on board the citizens of their respective nationalities.

No good, in my opinion, can result in such half-way measures. Lopez is so absolute that in reply to the demand for the delivery of the subjects of any foreign government, he could send a letter with the veritable signature of every foreigner living in the country—for if he could not get their signatures they would live no longer—saying that they did not wish to leave Paraguay; that they were so well treated by the great Lopez, and were so grateful to him for his care and protection of them, that they never would leave him. And yet, of these very people who would, to save or rather prolong their lives, sign such a paper, there is not, to the best of my knowledge and belief, one out of a hundred that would not give everything he has got in the world, except life, to escape from Lopez's power.

So far as I can learn, there is not a person outside Paraguay who believes that there has ever been any conspiracy at all; that the pretense that there has been is only to give Lopez an excuse for killing off all foreigners and such Paraguayans as have money enough to tempt his cupidity. Previous to my arrival here, there were many in favor of breaking up the "triple alliance," and making peace with Lopez. But now, since it is known how he has treated all foreigners, not excepting even the members of the United States legation, the universal sentiment is that he must be destroyed—that he is a common enemy of mankind.

In my last dispatch, No. 100, I mentioned the fact that the newspapers here appeared to be indignant that I had got away from the grasp of Lopez. The correspondence had not then been all published, and at the time of their unfavorable comments they evidently supposed that, by remaining, I could have continued to give protection to more or less people. The last long letter to me from Lopez's last foreign minister, Luis Caminos, has completely dispelled this impression, and if they show no affection for me, they are constrained to language respectful and decent. I inclose a slip from the *Standard* of the 30th of September, which is a sharp rebuke of the temper they at first manifested.

Very respectfully, your obedient servant,

CHARLES A. WASHBURN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[From the Buenos Ayres *Standard*. September 30, 1863.]

MR. WASHBURN, THE UNITED STATES MINISTER.

To the Editors of the Standard:

GENTLEMEN: Like all others, I have been greatly horrified at hearing the accounts given by the Hon. Mr. Washburn of the state of affairs in Paraguay. But my horror at the brutality of Lopez does not equal my disgust at the treatment Mr. Washburn has received at the hands of the native papers. Mr. Washburn, it is well known, re-

mained in Paraguay for a long time, for no other purpose than to give aid and protection to foreigners. He staid there until such charges were brought against him by Lopez that he could not with self-respect hold any more official correspondence with that government. He then demanded his passports. He did not receive them, however, until the arrival of the Wasp, and it is evident that up to that time it was the intention of Lopez to keep the American minister a prisoner in Paraguay; so he told Captain Kirkland. It is also evident that had he committed any act of violence towards Mr. Washburn he would have committed the last, and after he had tortured him to death he would have published such declarations as coming from him as suited his purpose. No wonder Mr. Washburn did not wish to partake of that banquet which Lopez had prepared for him.

Having incurred the implacable wrath of Lopez, it was useless for him to remain any longer in Paraguay. He could give protection or aid to nobody. As he justly says in his parting note to Lopez, the seizure of Bliss and Masterman in the street was as clear a violation of his rights as a minister as if they had been taken from his house by force.

No, Mr. Editor, the conduct of Mr. Washburn throughout this whole fearful time was humane, generous and self-sacrificing, and the abuse that he is now receiving is for other reasons than those alleged. In the correspondence lately published, Mr. Washburn has made very severe and sarcastic remarks in regard to the way the allies have conducted the war. But he is not alone in that; has not Lopez got the sympathy of at least half the world, not from any merit of his own, but by reason of the procrastination of the allies? These comments of Mr. Washburn your contemporaries know to be just and deserved, and they feel them strongly, and they revenge themselves by throwing dirty water at the only man who has ever told the whole truth both about Lopez and the allies.

There is another reason why the American minister is assailed. It is known he gave great offense two years ago by forcing the blockade to get into the country after the Brazilians had told him plainly he never should pass, and now he has forced it again to get out of it, notwithstanding the defiant language of the Marquis de Caxias. They feel humiliated at the arrogance of this Yankee, and are greatly chagrined that Lopez did not make him a prisoner and shoot him. That would have brought the United States into the conflict, and would have promised an end to the war. Their anger at Lopez is not so much because he puts others in prison and shoots them as that he did not do the same to Mr. Washburn. This, they imagine, would have called off the attention of the world from the slow progress of the war, and would have proved the wisdom of the "triple alliance." The burden, then, of making an end of Lopez would have fallen on the United States. But Mr. Washburn got away alive, and in their anger at him for doing so they show a sanguinary spirit worthy of the Gauecho. "*Hinc illæ lacrymæ.*"

LEX TALIONIS.

[From the Buenos Ayres Standard, October 11. 1868.]

A WORD FOR MR. WASHBURN.

GENTLEMEN: It surely needs but a slight examination of the correspondence which is, thanks to your efforts, now placed in the hands of the public, to see how innocent Mr. Washburn is of all the ridiculous charges brought against him, whether by the outwitted Lopez, or by the partial native press; and it will be difficult for any one to lay down that "lucky volume of letters" without freely confessing the United States representative is one, in all respects, worthy of the trust confided in him by the great republic.

His position was a most difficult one; he had to please Lopez, and, as it seems, this republic as well; nevertheless, he has succeeded in steering as straight and honorable a course as was, under the circumstances, possible. It is urged his praise of the Paraguayans (see letter of July 14) was hypocritical, and that he, in thus writing, was afraid to speak what he really thought. But is this really so? were these sentiments not his real ones? We find (see letter of August 11) that he wrote in the same strain to his government. Surely, then, he was not afraid, but spoke what he felt; and, indeed, who is there that can deny the Paraguayans have fought well, nobly, and most bravely? Thus, remembering he wrote the same to Benitez on this matter as he did to Washington, the charge of hypocrisy, of acting dishonorably, must fall to the ground; and were this fact not so, still, when so many lives depended on his actions, so to speak, surely this praise would not only have been excusable, but altogether profitable. But, is it this which ruffles the spirit of the native press, or the comments on Mitre, Elizalde, Caxias, Tamandare, and a reference to the Shamokin? (in letter of August 11.) Perhaps partiality and party bitterness combined with this is the cause why all the native papers are angry with the United States minister. One thing, however, is certain: did

the native press only look at the state of things with an impartial eye, it would be forced to confess Mr. Washburn's conduct is far from all blame. His conduct has been that of a gentleman, a diplomatist, and of a man not deaf to the cry for help and protection. When we consider the insults at first freely hinted, and then thickly showered upon his shoulders by the Paraguayan government—and may it not be said indirectly upon the United States as well?—one must admire his calm, courteous, and gentlemanly answers. A comparison of Benitez's letters from July 23, abounding in insults, hints of treachery, and dishonor of the United States minister, and Mr. Washburn's replies, will show a difference none the less marked than to the latter's credit.

Mr. Washburn has done well in placing this correspondence in the hands of the public, and so long as that public gives an impartial verdict, his conduct cannot fail to be approved.

It would be well did some writers and thinkers place themselves in Mr. Washburn's position if they would consider how he was placed; any fool can keep his head above water in a calm, but it is the rough sea which proves what a man is really made of, and the difficult position in which he was placed, and out of which he has sallied victorious, does credit to him and to his government. Let all remember the United States minister was the only one who dared to stick to his post, and not blame him for not causing perhaps the massacre of all the foreigners in Paraguay by an open resistance to Lopez at first; which course would not have done, could not have done any good, but might have caused much harm. Had Mr. Washburn been supported by a fleet of United States iron-clads he might have defied Lopez, but as it was with no protection but what Lopez for the moment chose to give, the case was altered.

By a cautious, honorable, and skilful diplomacy he effected as much as a man situated as he was could do. Surely he may not be blamed for not doing more than was possible. He is blamed by some for giving up his guests, but what good could have resulted from a refusal to comply? He would have to leave Paraguay sooner or later, and then could no longer protect them under the sacred folds of the American flag. Besides which, did he give them up? Rather the reverse; he counselled more than one not to leave, and left it to the choice of all to go or stay; they chose to leave; by what right could he make them remain?

In justice to Mr. Washburn, all should either read this correspondence carefully or else keep their verdict to themselves. No man has the right to judge unless he judges after an impartial, careful, and complete hearing of the evidence for and against.

Apologizing for the length of this, which may perhaps find some unoccupied column, I am, &c.,

TRABUCO.

Mr. Washburn to Mr. Seward.

[Extract.]

No. 102.]

BUENOS AYRES, *October 13, 1868.*

SIR:

* * * * *

I intend to start for Rio, and thence for the United States, by the first steamer that leaves for the former place. Mr. Webb writes me that Admiral Davis is not disposed to take any action for the rescue of those two members of the United States legation at Asuncion, Mr. Bliss and Mr. Masterman, who were forcibly seized by the government of Paraguay as they started to accompany me to the steamer at the time of my departure. Such being the case, I shall not delay here a day longer than I can avoid.

Since I left Paraguay, there appears to have been little done to change the situation.

There was a report several days ago that Lopez had shot his brother and sister, and his bishop. It was not generally credited, however, until to-day, when I hear that information of an authentic character has been received that he has shot his two brothers, Venancio and Benigno, and his sister, the widow of General Barrios, who died some five or six weeks ago of wounds inflicted on himself in an attempt at suicide. The bishop is also said to have been shot.

If this be true, and I fear it is, there seems to be little prospect for any of those to escape who took refuge in the United States legation. The most remarkable thing in the whole dreadful tragedy is that I got away alive. I fear there will not be another such exception.

I am, sir, very respectfully, your obedient servant,

CHARLES A. WASHBURN.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. McMahon to Mr. Seward.

[Extract.]

No. 6.]

RIO DE JANEIRO, BRAZIL,

October 26, 1868.

SIR: I have the honor to inform you that I arrived at this port on the 20th instant, and on the 21st, in obedience to instructions, submitted your dispatch of the 2d September last, numbered 3, to Rear-Admiral Charles H. Davis, commanding the United States squadron on this station, on board the flag-ship *Guerriere*; and on the day following to Hon. James Watson Webb, envoy extraordinary and minister plenipotentiary of the United States at the court of Brazil, at his residence at Boa Viagem.

Mr. Webb informed me that he personally knew that no objection would be made upon the part of the government of Brazil to my passing through the blockading lines on the tributaries of the *La Plata*, and at my instance promised to communicate to me on the following day official assurance to that effect.

This communication I have not yet received, and I fear it may not now reach me in time to inclose a copy with this dispatch.

The admiral informed me that in consequence of the insult offered to the government of the United States, in the forcible seizure and detention of two members of the United States legation at Asuncion by order of President Lopez, he deemed it advisable to proceed with his entire squadron to the *La Plata*, and ascend the river with such of the vessels as are suited to that service, for the purpose of exacting such reparation from the government of Paraguay as the honor and dignity of the government of the United States may require. He requested me also to accompany him on the flag-ship, and offered to transfer his flag in the *La Plata* to one of the smaller vessels, and proceed with me to the headquarters of President Lopez at Villeta, to take such action as we would mutually decide upon, in anticipation of instructions from Washington.

The seizure of the two members of the United States legation at Asuncion, one of whom, Porter C. Bliss, is an American citizen, the other, George Masterman, a British subject, has been, I am informed, fully communicated to the government by Mr. Webb, and also by my predecessor, Mr. Washburn.

It was also published by Mr. Washburn, in Buenos Ayres, in the form of a letter to the Hon. William Stuart, her Britannic Majesty's minister plenipotentiary at Buenos Ayres, containing a detailed account of the unfortunate occurrences in Paraguay that preceded Mr. Washburn's departure.

A printed copy of this letter, I am informed by Mr. Webb, will accompany his communication to me on the subject of Paraguayan affairs, and will be transmitted with this, if received in time.

The correspondence between Mr. Washburn and the government of Paraguay which preceded his departure from that country I have read with as much care as its great length and the little time allowed me would permit. All that portion of it which relates to the privilege of asylum at the house of the minister, the right of the government to establish the proper place for diplomatic residence, the attempt to implicate Mr. Washburn in a conspiracy for the overthrow of the government, I believe it is no part of my official duty, under existing circumstances, to consider.

It appears that the government of Paraguay demanded of the minister of the United States the dismissal from the legation of Messrs. Bliss and Masterman, members of the legation, reported as such to the minister of foreign affairs some time previous to the demand for their delivery. Mr. Washburn declined to comply with this demand. The minister of foreign affairs insisted, denying that the individuals named were members of the United States legation, and alleging that they had been indicted for treason and conspiracy before the judicial tribunal, and that evidence to sustain the charges was in the possession of the government. I would call attention here to the fact that at a subsequent stage of the correspondence the minister of foreign affairs alleged that similar evidence against the minister of the United States was on record in the tribunal of justice, and produced certain depositions alleged to have been made by members of the conspiracy then awaiting trial or already convicted. A peremptory demand was also made upon Mr. Washburn for the surrender of a package of papers alleged to have been intrusted to him by one of the traitors. He denied in positive and explicit terms that such a package had been delivered to him, whereupon the demand of the Paraguayan government was discourteously repeated. After a correspondence of great length, much embarrassed by the painful and ingenious attempt to connect the minister of the United States with the conspiracy for the overthrow of the government, Mr. Washburn finally receives his passport, in accordance with his repeated request, and is notified that a steamer is in readiness to convey him to Villeta, where the United States steamer *Wasp* awaits him. The government refuses passports for Messrs. Bliss and Masterman, and arrests them in the street, while on their way to the steamer in company with the minister and his family. Mr. Washburn, after addressing a letter to President Lopez, solemnly protesting against the arrest and detention of members of his legation and other acts done in Paraguay, proceeded to Buenos Ayres, where he still remains.

These events have naturally produced great excitement in South America, and there exists, of course, much speculation, with some diversity of opinion as to the course of action proper to be taken in anticipation of instructions from the government at Washington. Mr. Webb, our minister at the court of Brazil, has frankly and with characteristic kindness expressed to me his views as to the proper course to be followed, and has informed me that in the communication which I am now hourly expecting to receive from him he will discuss the affairs of the Paraguayan mission, and inform me at length of his opinions. I thanked him for the kind interest he manifested in a subject of some embarrassment to me, and will give to his letter of advice such careful and respectful consideration as his high character and great experience deserve for it. At the same time, I am confident the department will not expect of me that I will permit myself to be deterred by the high consideration and respect entertained for Mr. Webb from proceeding at once with the admiral to the nearest proper point of approach to the capital of Paraguay, for the

purpose of promptly advising the Secretary of events as they occur. I make this remark because, in consultation with Mr. Webb, he informed me that it was his opinion that I ought not under any circumstances to proceed beyond Buenos Ayres; that the United States are now in a state of war with Paraguay; that my instructions are therefore abrogated; that, having no power to make peace, I would compromise the dignity of the government by approaching Paraguayan territory. From these views I am compelled to dissent. I believe it my duty to inform the Secretary of State of all that occurs in Paraguay, and this duty I can perform properly only by proceeding up the Parana River with the squadron.

I have officially acquainted the admiral with the state of affairs as already communicated to the department, and informed him that, in the absence of instructions from Washington, diplomatic relations with the government of Paraguay will not be resumed until the two members of the legation, now held by President Lopez, are released, and such reparation made as may seem proper in view of the serious character of the offense committed against the honor and dignity of the United States.

The admiral has announced his intention of proceeding on the information communicated to him, promptly, and with all necessary firmness. He has requested that I will accompany him to Villeta, to the end that we may consult upon ulterior action, should the demand for the rendition of Bliss and Masterman be denied by the Paraguayan government. We will accordingly sail to-morrow for Montevideo with the entire squadron, and thence with such of the vessels as are adapted to river service up the Parana.

It is proper to add that the information in regard to affairs in Paraguay to be obtained in Brazil is usually of the most unreliable kind. What is asserted to-day most positively is contradicted to-morrow unequivocally. In regard to the unfortunate circumstances now claiming attention, Captain Kirkland, of the United States steamer *Wasp*, an officer whose course in Paraguay displayed great discretion, writes unofficially to Admiral Davis that it is important that our government should thoroughly investigate the subject before taking decisive action; that such an investigation may reveal important facts not yet made public; that President Lopez expressed to him great anxiety to preserve friendly relations with the United States, and solicited his mediation with Mr. Washburn, for the purpose of restoring a more amicable state of feeling between the government of Paraguay and the representative of the United States. It appears also that the statements positively and repeatedly made in this city that the Portuguese consul, Mr. Leite Pereira, a former refugee at the house of the United States minister at Asuncion, had been executed by President Lopez, are incorrect. The French consul, also reported as put to death, is not only alive but has left Paraguay on a French man-of-war, and reports by the admiral of the French fleet on this station that he was at no time during his stay in Paraguay disquieted on account of his personal safety. In view of these facts, I am led to indulge the hope that Messrs. Bliss and Masterman have suffered at the hands of the Paraguayan authorities no personal discomfort other than their forced detention, and that they will soon be restored to the protection of the national flag.

I have endeavored in this dispatch to touch but briefly on those matters which have already been made known to you in full, as I am informed, and to communicate such other circumstances as may help to afford you a full understanding of the existing state of affairs.

The communication I had expected to receive from Mr. Webb, con-

veying the assurance that the government of Brazil will interpose no obstacle to my passage through their lines, has not yet reached me.

* * * * *

I have the honor to be, very respectfully, your obedient servant,
M. T. McMAHON.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. McMahon to Mr. Seward.

No. 7.]

RIO DE JANEIRO, BRAZIL,
October 27, 1868.

SIR: Shortly after the departure of the mail yesterday containing my dispatch of the 26th instant, numbered 6, I received from Hon. James Watson Webb, envoy extraordinary and minister plenipotentiary near the court of Brazil, a communication in relation to the affairs of the Paraguayan mission, a copy of which I inclose, marked A.

I had expected that this communication would contain an assurance that the government of Brazil would oppose no military obstacles to my passage up the river an assurance which I was directed in your dispatch of September last, numbered 3, to obtain.

I find in General Webb's communication no mention of this subject. I have written to him in reply, calling his attention to the omission, and adding that if it suits his view of duty I would be pleased to receive from him the information I desire in an official note before the sailing of the *Guerriere*. I inclose a copy of my reply, marked B.

Upon the subjects which are discussed in General Webb's communication I have no comment to make further than to remark that he did not, it appears, correctly understand my intention and desire, so far as they were communicated to him in the interview to which he refers. I will leave this point to-morrow on the flag-ship *Guerriere*, in company with Admiral Davis, as stated in my dispatch of yesterday. The other vessels of the squadron sailed to-day to rendezvous at Montevideo.

The latest intelligence from Paraguay represents President Lopez as occupying a strong position, strongly fortified, at Villeta, and the position of the allied forces as somewhat critical, on account of the swampy nature of the country and the great difficulty and expense of obtaining supplies. I learn also that Señor Berges, former minister of foreign affairs, alleged to have been executed for treason some months since, is still alive, and that all prisoners held for political offenses in Paraguay are treated with no unnecessary harshness.

I have the honor to be, very respectfully, your obedient servant,
M. T. McMAHON.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

A.

Mr. Webb to Mr. McMahon.

[Extract.]

LEGATION OF THE UNITED STATES,
Boa Viagem, October 23, 1868.

MY DEAR SIR: When you did me the honor to call at this legation yesterday and intimated your intention to go up to Asuncion accompanied by Admiral Davis and

the smaller vessels of the United States squadron, with a view of presenting your credentials to President Lopez and demanding the release of the members of our legation forcibly detained by him, I at once said that nothing of the kind could be done without bringing deep disgrace upon our country and rendering us the laughing stock of the world.

To this you answered, that there were so many versions of what had taken place in Paraguay, that you would not decide what to do until you reached the La Plata. I replied, "That is an error: there is but one version of the facts of the case to which you, I, or Admiral Davis can refer, or which we can receive; and that version is contained in the official report of your predecessor, the duly accredited minister of the United States to Paraguay; and indorsed by me, from my knowledge of the man and his official conduct."

I then placed in your hands for perusal my correspondence with Admiral Davis, urging him to employ the squadron under his command for the sole and only purpose it is kept here, viz: the vindication of our national honor and the protection of the commerce and lives of our people, instead of keeping it idly in this harbor when the ships of every other nationality are hastening to the scene of outrage upon us, and, through us, upon the civilized world. You proceeded to read what I placed in your hands; and when nearly through with it, handed me your official instructions from the State Department, directing you to see me, before you proceeded to the river.

After you had finished reading the correspondence, upon which no commentaries were made by either of us, you proceeded to detail your programme on arrival at the La Plata. I listened, and said I did not like to make any commentaries upon it, unless you requested me to do so; although I fully admit, that on further reflection I should have deemed it my duty to have earnestly protested against any such proceeding, and distinctly have placed before you what I considered to be your duty in the premises. You thought of addressing a letter to the admiral, setting forth your official character, &c., &c., and that you desired to present your credentials and deliver to Lopez certain very friendly messages and assurances from the President, which letter the admiral might use. I advised against any such proceeding and objected to your making any advances whatever towards Lopez; the whole matter having entirely changed since you were accredited to Paraguay. Lopez has placed himself entirely beyond the pale of civilized nations; and least of all can the United States have intercourse with him, except through the naval and military power of our country. To me your duty appears very simple; and I will proceed to give you my view of it, holding myself responsible to our common superior for so doing.

I think you should at once address an official note to Admiral Davis, stating who you are, and requiring from him the employment of the naval force under his command in rescuing the members of the United States legation, forcibly seized in violation of every principle of international law and the comity of nations. And you should particularly press upon him the gravity of the emergency, and strive to enlighten him in regard to his duty in the premises; in order that our country may, as far as practicable, be relieved from the odium of being careless in affording protection to our legations throughout the world, and unmindful of our national honor.

Do all in your power to induce him to take all his squadron, except the *Guerriere*, up the Paraguay, and from the deck of his flag-ship send a flag of truce into the country, demanding, without parley, the immediate surrender of Bliss and Masterman.

He (Lopez) has virtually declared war upon the United States, and neither you nor I have a right to make peace, or to decide what the offended dignity of our country demands. If he is no longer in authority, then you have nothing to do with him; while, if he is, then it is for our government to deal with him, and you and I have nothing to do but await its action. If, in the mean time, the allies should set up a government of their own in Paraguay, as by treaty they are pledged to do, most assuredly you can have nothing to do with that affair; and if recognized at all, it must be by our own government, and not by you or me; and you will do well to enlighten the admiral in regard to his duties in such a contingency, which, in all probability, is certain to occur.

Under all the circumstances of the case, then it is manifest that it is your duty to remain quietly at Buenos Ayres or Montevideo until you can receive further instructions from Mr. Seward. All your instructions, and all your messages from the President to Lopez, are cancelled by the latter's act of war against the United States. This letter to you will constitute a part of my dispatch to the Department of State, by the Mississippi, on the 26th, and, beyond all peradventure, you will be in possession of fresh instructions on or before the 1st of January next; which will be less than two months after your arrival at the river. They will come by the return steamer, or if not then by telegraph to our legation in London, and hence to the river by any one of the seven lines of steamers now sailing monthly from Europe to the La Plata, touching at Rio. My only apprehension is that if Bliss and Masterman are still alive they will have been rescued by some of the vessels of war belonging to other nationalities now

in the Paraguay. That such is their intention, I know, and such intentions are not concealed in the general indignation of the public at the non-action of our squadron on this station. God grant that we may be spared that blow.

In my opinion, your course is a very simple one. You have no duties to discharge in connection with Paraguay. Lopez, by an act of war against the United States, has cancelled alike your duties and your instructions, and nothing remains for you to do but to consult the honor and dignity of your country by remaining here, or in the La Plata, until you can hear from Washington. You say it is very desirable you should meet Mr. Washburn. I think it is. He will arrive here on the 4th November, and your presence at the river is not immediately necessary.

I inclose you a copy of Mr. Washburn's official letter to the British envoy extraordinary and minister plenipotentiary to the Argentine, and through him to the other legations in Buenos Ayres. It is a duplicate of the one sent to me by Mr. Washburn, and which I sent to Admiral Davis, indorsing its authenticity, and I furnish it to you under like circumstances.

* * * * *

I am, my dear general, very sincerely, your colleague and obedient servant,
J. WATSON WEBB.

His Excellency General MARTIN T. McMAHON,
United States Minister Resident to Paraguay.

B.

Mr. McMahon to General Webb.

[Extract.]

RIO DE JANEIRO, October 27, 1868.

MY DEAR SIR: The communication of the 23d instant, which you did me the honor to address to me, reached me last night through the courtesy of Mr. Monroe. After reciting some portions of a conversation held at your residence on the 22d instant, your excellency proceeds to advise me fully and earnestly as to the course proper to be taken by me in anticipation of instructions from Washington in regard to the late unfortunate occurrence at Asuncion.

I trust it is needless to inform you that the counsel of a colleague so distinguished for all the qualities that tend to give value to advice will receive such attentive and respectful consideration as your excellency's high character and great experience deserve for it.

Referring to the interview held at your house on the 22d instant, I ask leave to remind you that the purpose of my visit on that occasion was to lay before you, by the direction of the Secretary of State, his letter of instructions to me, which contained the following paragraph, to which I specially called your attention:

"You will, however, stop at Rio long enough to communicate with Mr. Webb, and also at Montevideo and Buenos Ayres, to communicate with the consulate and legation at those places, and to ascertain whether the military obstacles to your passage up the river, which were heretofore apprehended, have been removed."

You were good enough to assure me promptly that you knew no obstacles would be opposed by the government of Brazil to my passage up the river, and also, at my request, you promised to send me an official communication on the following day containing this assurance.

In the communication I have had the honor to receive from you no mention is made of this subject. Believing that it may have escaped your attention, I take the liberty of referring to it for the purpose of asking if it is your excellency's wish that I should rely on the verbal assurance given in the interview of the 22d instant, which will, of course, be sufficient if you should for any reason deem it unadvisable to make it the subject of an official note.

On the occasion already twice referred to, I informed your excellency that Rear-Admiral Davis had notified me that he held himself in readiness to proceed with his squadron to the La Plata, and thence with the lighter vessels of the fleet up the river, and that he invited me to accompany him on the flag-ship for purposes of mutual consultation. I informed the admiral then that I must delay for the purpose of obtaining from you the assurance in relation to the action of the government of Brazil to which I have referred, and subsequently that I was desirous of meeting Hon. Mr. Washburn, my predecessor, who your excellency informed me was daily expected to arrive from Buenos Ayres. Mr. Washburn, it appears, did not arrive on the packet of last week, and I now indulge the hope of meeting him in Buenos Ayres. I mention these things for the purpose of adding that the flag-ship will sail to-morrow for the river, and the other vessels of the fleet to-day, and that it is my intention to accompany the

admiral. If, therefore, your excellency has not decided that it is unnecessary to communicate to me in an official note the assurance in regard to military obstacles to my passage up the river, may I ask that, if it suits your convenience, you will do me the favor to send it before the departure of the *Guerriere*. If I do not receive it I will infer that in your excellency's opinion the verbal assurance already received is all that is required to fulfill the instructions contained in the extract I have made from the letter of the Secretary of State.

Your excellency will perceive that the little time allowed me before sailing for the river will prevent my referring to the several points of interest and importance contained in your letter of the 23d instant, further than to thank you sincerely for the kind interest you manifest in a subject not free from difficulty, and in regard to which I trust that my official action may be such as to meet the approval of the government at Washington, and at the same time give no ground for the belief that the kind offices of our distinguished representative in Brazil have not been appreciated at their full value.

In conclusion, permit me to refer to one other point. From your letter of the 23d instant, to which I am replying, I learn that I created the impression on your mind in the interview of the 22d instant, that notwithstanding recent deplorable events in Paraguay, it was my intention and desire to reopen diplomatic relations with the government of President Lopez. In conveying this impression unintentionally, I had the misfortune to fail to make myself correctly understood. In calling attention to the subject now, I beg of your excellency to believe it is solely because of my anxiety to secure, as far as may be possible, the approval of your excellency's judgment.

Your colleague and obedient servant,

M. T. McMAHON,

Minister Resident of the United States at Paraguay.

His Excellency General JAMES WATSON WEBB,

*Envoy Extraordinary and Minister Plenipotentiary
near the Court of Brazil.*

Mr. Washburn to Mr. Seward.

No. 103.]

BUENOS AYRES, October 31, 1868.

SIR: The inclosed* dispatches which were written and forwarded by me about a year ago, to the care of our late minister here, Mr. Asboth, were handed to me yesterday by Mr. Worthington, who found them among a lot of loose papers left by his predecessor. It would seem that the state of Mr. Asboth's health for several months before he died was such that he was unable to attend to any business.

I am now awaiting the arrival of Admiral Davis and Mr. McMahon. From the former I received a letter some two weeks ago, in which he informed me that he should leave for the Rio de la Plata as soon as Mr. McMahon should arrive at Rio, and as he said it would be of great advantage to them both to confer with me on the situation of affairs in Paraguay before my departure for the United States, I have awaited their arrival. I hope they will soon be here, as I am impatient to be away. The state of Mrs. Washburn's health, however, has not been such since her arrival here that it would be safe for her to venture upon the sea. I am in hopes, however, she will so far improve that we shall be able to leave in time to take the American steamer of the 26th November from Rio.

I observe that there is not entire harmony of opinion between our minister at Rio and the admiral. I regret this extremely, as the difference has arisen in regard to the proper course to be pursued respecting my difficulties in Paraguay. Both of them have written to me in the

*The dispatches above referred to are the following from Mr. Washburn: No. 94, December 13, 1867; No. 97, April 7, 1868; No. 98, April 7, 1868; No. 99, April 7, 1868. They will be found in their proper chronological order.

kindest terms, and have expressed a desire to do anything in their power to assist me. Mr. Webb has already done much; for I fully believe that if the *Wasp* had gone up the river a month later, it would have returned without me. The admiral has written that to vindicate me and my conduct from the aspersions of the press, both here and in Rio, he is disposed to send me as far as Rio in a vessel of the squadron, in case one can be spared for that service. From this I am led to suppose that he was not fully decided whether or not to send a part of the squadron to Paraguay to demand satisfaction from Lopez.

I have nothing later from Paraguay since my last dispatch. The allies seem to be moving on in their old sluggish way, but what has become of the unhappy wretches still left in the power of Lopez no one here knows anything later than I have already written in previous dispatches. Mr. Gould, the English secretary of legation, went up in a gunboat to try and get away some of the English, but he was unsuccessful. He refused to trust himself in Lopez's power, as, having been in Paraguay before, he knew the danger.

I am, sir, very respectfully, your obedient servant,

CHARLES A. WASHBURN.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. McMahon to Mr. Seward.

No. 8.]

MONTEVIDEO, URUGUAY, November 14, 1868.

SIR: I have the honor to inform you that I arrived at this post on the 3d instant, having left Rio de Janeiro on the 28th, on the United States flag-ship *Guerriere*.

I immediately communicated with the United States consul, in order to ascertain if the military obstacles to my passage up the river, heretofore apprehended, were removed, as far as the government of the Oriental Republic is concerned.

Deeming it advisable that any communication made to the Oriental government on this subject should be made through Mr. Worthington, United States minister accredited to the Argentine and Oriental Republics, a view in which the consul concurred, I proceeded to Buenos Ayres and submitted to Mr. Worthington your dispatch of 2d September last, numbered 3.

He immediately addressed an inquiry to the government of the Argentine Republic on the subject referred to in your dispatch, and returned with me the same night to Montevideo, where he addressed a similar communication to the Oriental government.

I learn from him that the government at Buenos Ayres has replied to his communication, requesting a few days' delay before giving a definite answer, for the purpose, I believe, of consulting with their allies. The government at Montevideo has not yet replied.

On the morning of my departure from Rio, I received from General Webb a letter, a copy of which I inclose, marked A, informing me that "the way (up the Parana) is open to the vessels of war of all nationalities, and most assuredly will not be closed against us, through whom the insult to all of the civilized governments of the world has been offered."

This communication from Mr. Webb is in reply to the letter I addressed to him on the 27th October, ultimo, a copy of which I transmitted in my dispatch of the same date to the department.

Upon receiving the required assurance from the respective governments of the Argentine and Oriental Republics, I will proceed as stated in my dispatch of the 20th October ultimo.

I had an interview with my predecessor, Mr. Washburn, on the 8th instant, at Buenos Ayres. I learned from him nothing in addition to the facts already made known to the department.

The latest intelligence from Paraguay is to the effect that Lopez is still at Villeta, where it is rumored the allies intend to attack him to-day. As to his force there is much variety of opinion; but Captain Kirkland, of the Wasp, a most reliable witness, reports to me that he saw at that point not less than twelve thousand men under arms, and this before the rear-guard of the Paraguayan army had arrived from the defenses of the Tebicuari. In conversation President Lopez informed him that he was prepared to retire from Villeta to other and interior positions if deemed advisable. It is probable, however, that he will wait to be attacked in the strong position he now occupies, and then retire in the interior.

Information, received as late as the 8th instant from the Parana, is to the effect that Bliss and Masterman are unharmed, though still retained in custody.

Since commencing this dispatch I have heard from Mr. Worthington, unofficially, to the effect that the Argentine government will give explicit and full assurance that no obstacles, military or otherwise, will be opposed to my passage up the river to my post of duty upon the part of that government.

I have reason to hope that a similar assurance, equally definite, will be promptly offered by the Oriental Republic.

Mr. Washburn has arrived from Buenos Ayres, and intends proceeding, by the steamer of the 15th instant, to the United States.

I have the honor to be, very respectfully, your obedient servant,

M. T. McMAHON.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

A.

Mr. Webb to Mr. McMahon.

LEGATION OF THE UNITED STATES,

Boa Viagem, October 27, 1863.

MY DEAR GENERAL: This government will only be too well pleased to have our squadron to go up the Paraguay; and to my certain knowledge the Emperor has expressed his astonishment at my inaction; little knowing, until he saw the Brazilian Times of the 23d, that I had discharged my whole duty in the premises. The way is open to the vessels of war of all nationalities, and most assuredly will not be closed against us, through whom the insult to all the civilized governments of the world has been offered. The only wonder of the allies and of every intelligent person in this region is, that for three weeks past our squadron has been lying in this harbor, leaving to other naval powers the vindication of our national honor, and the attempt to rescue the members of our legation forcibly detained in Paraguay.

In all probability the time for effective action is past, but whether it is or not, and although we cannot regain the prestige so wantonly thrown away, I am well pleased to learn that our squadron is about to proceed to the river, after having postponed its time of sailing nearly three weeks, to demonstrate that our minister could not expedite its movements! A demonstration so important in the opinion of Admiral Davis, that to make it he has sacrificed the prestige of our country and the vindication of the rights of its imprisoned citizens.

Very truly, your friend and obedient servant,

J. WATSON WEBB.

His Excellency General MARTIN T. McMAHON,

United States Minister to Paraguay, U. S. S. Guerriere.

Mr. Seward to Mr. Washburn.

No. 78.]

DEPARTMENT OF STATE,
Washington, November 17, 1868.

SIR: Your dispatch from Buenos Ayres of the 26th of September last, giving an account of events at the close of your mission in Paraguay, has been received. The letter of this department to the Secretary of the Navy, a copy of which is inclosed, has been approved by the President. Any further measures which may be adopted will await developments.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES A. WASHBURN, Esq., &c., &c., &c.

Mr. Seward to Mr. Welles.

DEPARTMENT OF STATE,
Washington, November 17, 1868.

SIR: A dispatch was received yesterday from Charles A. Washburn, esq., late United States minister to Paraguay, which was written at Buenos Ayres on the 26th of September last. The dispatch shows that a controversy has been carried on for some time between him and the President of Paraguay. The merits of the controversy cannot be fully understood until a copy of the correspondence itself shall have been received, which is daily expected. Meantime Mr. Washburn's dispatch conclusively shows that the situation of all foreigners, including United States citizens at Asuncion, is greatly imperilled, and that especially Porter C. Bliss and George F. Masterman, United States citizens, lately in some way connected with the United States legation, have suffered personal violence, and have perhaps been murdered. A dispatch has been received from Mr. Webb, United States minister at Rio, in which he states that he has requested Rear-Admiral Davis, commanding the South Atlantic squadron, to send or to proceed with an adequate naval force to Asuncion, to protect American citizens. Mr. Webb is unable to inform the department whether Admiral Davis would assume the responsibility of complying with this request without special instructions from this government.

The situation thus presented seems to me so critical that I have thought it my duty to advise the President that the rear-admiral should be instructed to proceed with an adequate force at once to Paraguay, and take such measures as may be found necessary to prevent violence to the lives and property of American citizens there, and, in the exercise of a sound discretion, to demand any other prompt redress for any extreme insult or violence that may have been arbitrarily committed against the flag of the United States or their citizens.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

HON. GIDEON WELLES,
Secretary of the Navy.

Mr. Seward to Mr. McMahon.

No. 6.]

DEPARTMENT OF STATE,
Washington, November 18, 1868.

SIR: I herewith inclose for your information a copy of a dispatch* addressed by this department to James Watson Webb, esq., United States minister at Rio de Janeiro; also a copy of a communication† from this department to the Hon. Gideon Welles, Secretary of the Navy, in relation to late occurrences on the Parana.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

MARTIN T. MCMAHON, Esq., &c., &c., &c.

* For this inclosure see instruction to Mr. Webb, No. 238, November 17, 1868, p. 310.

† For this inclosure see instruction to Mr. Washburn, No. 78, November 17, 1868.

Mr. Seward to Mr. McMahon.

No. 7.]

DEPARTMENT OF STATE,
Washington, November 21, 1868.

SIR: I transmit a copy of the orders which have been issued by the Secretary of the Navy to Rear-Admiral C. H. Davis, commanding the South Atlantic squadron, occasioned by recent events in Paraguay, in connection with your predecessor and other citizens of the United States. The department has not yet received from Mr. Washburn detailed reports upon the subject. No doubt, however, you will by personal intercourse with him, and from other sources, have obtained such a knowledge of the facts as will enable you to proceed judiciously in co-operation with Admiral Davis for the purpose of vindicating the honor of this government and the rights of any citizens of the United States in Paraguay who may not be able to obtain redress through the ordinary channels. You will notice that Mr. Welles expresses confidence in your discretion. This opinion the department trusts will be justified by the firmness and wisdom of your course under the difficult circumstances which will surround you upon your entrance on your mission.

After the foregoing part of this paper was prepared, your dispatch of the 26th of October, No. 6, from Rio Janeiro, was received. Your purpose therein mentioned of proceeding with Rear-Admiral Davis up the Paraguay River to Villeta is approved. You will forbear from presenting your credentials to the President of Paraguay until a satisfactory solution of the grievances which are the subject of my several instructions shall have been obtained, and you will in every case be governed by these instructions. This will not prevent you from opening and conducting in your official character as United States minister resident to Paraguay any correspondence which shall become necessary with the President of that republic, or with any other proper party in that country. All correspondence will thus be conducted by yourself, but it will be desirable that Rear-Admiral Davis should join you in the same.

This paper is necessarily hurried in order to avail myself of the mail steamer of the 23d.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

MARTIN T. MCMAHON, Esq., &c., &c., &c.

Mr. Welles to Mr. Seward.

NAVY DEPARTMENT, *November 18, 1868.*

SIR: I have the honor to inclose herein a copy of my instructions to Rear-Admiral Davis, of the South Atlantic squadron, prepared in conformity with the request contained in your letter of the 17th instant, and the advice given by you to the President.

It has been my practice to give as specific instructions as possible to our naval officers, and to impose upon them no greater responsibilities than the occasion demands. In all cases approaching this in magnitude and importance, they have been enjoined to act in conjunction with the minister representing our country at the government in question.

I see by the last arrival that General McMahon, our lately appointed minister to Paraguay, who left the country several weeks since on his mission, has arrived at Rio, and who, it seems to me, should at least be consulted in this matter.

I have great confidence in the judgment and ability of Rear-Admiral Davis; but should he not be relieved of some degree of responsibility which belongs appropriately and peculiarly to General McMahon, by consulting with and receiving the advice of that very capable gentleman, who is intrusted with that service, and is the selected representative of this government to Paraguay?

I deem it my duty, moreover, to add in this connection that while instructions can be given without difficulty to Rear-Admiral Davis, he may find it difficult, and perhaps impossible, to execute them with his present limited command.

Asuncion is nine hundred and thirty miles from Montevideo, up rivers which are tortuous and filled with sand-bars, subject to heavy rises and great depressions, which render their navigation difficult.

Rear-Admiral Davis has no vessels adapted to river service, and not exceeding four of the smallest could, under the most favorable circumstances, reach Paraguay. He is without troops or supplies, and Lopez by the last accounts had fallen back from the river, and is wholly inaccessible to naval vessels. The demand for redress, if it cannot be enforced, ought not, it seems to me, to be made. To make the attempt and fail would be worse than if the attempt had not been made.

On a former occasion, when a demonstration was made against Paraguay, a naval force of light-draught vessels was sent out, and coal, provisions, and supplies were forwarded to Montevideo, Rosario, and Corrientes. The expedition was at that time duly prepared and cost the government several millions of dollars. As this subject seems to be intrusted to the naval officer on that station, instead of the minister, who is the selected representative, I would respectfully state that it will be necessary that Rear-Admiral Davis should be largely re-enforced, and that the Navy Department be furnished with authority and means to enable that officer, in the last resort, to carry into effect the instructions which have been sent him in pursuance of your communication, and of the advice given by you to the President.

Very respectfully, your obedient servant,

GIDEON WELLES,
Secretary of the Navy.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Welles to Admiral Davis.

NAVY DEPARTMENT,
November 18, 1868.

SIR: I have received from the Secretary of State a letter in relation to a controversy which has arisen between Charles H. Washburn, esq., late minister to Paraguay, and President Lopez.

In his communication the Secretary of State informs this department that—

“Mr. Washburn's dispatch conclusively shows that the situation of all foreigners, including United States citizens, at Asuncion, is greatly imperilled, and that, especially, Porter C. Bliss and George F. Masterman, United States citizens, lately in some way connected with the United States legation, have suffered personal violence, and have perhaps been murdered.”

Mr. Seward further informs the department that Mr. Webb has had an interview with you, but is unable to inform the Secretary of State whether you would assume the responsibility of complying with a request which he (Mr. Webb) had made to you to send an adequate naval force to Asuncion to protect American interests, without special instructions from the State Department.

It has not been usual for the naval officers to receive instructions from that department, and I apprehend there has been some mistake in this instance; but Mr. Seward writes me that “the situation thus presented seems to me so critical that I have thought it my duty to advise the President that the rear-admiral should be instructed to proceed with an adequate force at once to Paraguay and take such measures as may be found necessary to prevent violence to the lives and property of American citizens there, and, in the exercise of a sound discretion, to demand and obtain prompt redress for any extreme insult or violence that may have been arbitrarily committed against the flag of the United States or their citizens.”

I have nothing to add to the foregoing extract, further than to direct that, on the receipt of this dispatch, you will proceed to act in conformity with the views and suggestions of the honorable Secretary of State in his advice to the President. Should you, in the discretion therein given, come to the conclusion to proceed or send to Paraguay to make the demand indicated, I regret that you have not more suitable and better vessels to enforce it, and supplies more ample than you possess.

Very respectfully,

GIDEON WELLES,
Secretary of the Navy.

Rear-Admiral CHARLES HENRY DAVIS,
Commanding South Atlantic Squadron.

Mr. McMahon to Mr. Seward.

[Extract.]

No. 10.]

BUENOS AYRES, *November 21, 1868.*

SIR: I have the honor to inform you that I have received from Mr. Worthington, United States minister resident to the Argentine and Oriental Republics, the assurance that the allied governments engaged in the war against Paraguay will oppose no obstacle to my passage up the rivers Parana and Paraguay to my post of duty, and that they have issued appropriate orders to the generals commanding their respective forces.

The communication containing this assurance, a copy of which I inclose, marked A, comes from the Argentine government, and was issued, it appears, upon consultation with the representatives of Brazil and the Oriental Republic.

* * * * *

I will leave for Paraguay this evening on the United States steamer Wasp accompanied by Admiral Davis. Three other vessels of the squadron passed this port to-day on their way to the Parana.

No change in the military position has taken place since my last dispatch. The allies have not yet attacked the position of President Lopez at Villeta.

I have the honor to be, very respectfully, your obedient servant,
M. T. McMAHON.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Señor Varela to Mr. Worthington.

[Translation.]

FOREIGN OFFICE,
Buenos Ayres, November 13, 1868.

MR. MINISTER: The Argentine government has solicited the assent of its allies to resolve upon the affair spoken of in the note your excellency did me the honor to address to me, dated the 10th of the current month, and I have the satisfaction to say in answer thereto, that the allied governments order the generals of their respective forces not to put any obstacles to the transit of General McMahon save that they find necessary to delay him in the interest of the war operations that may be at the point of being executed, as it was declared in the recent case of the steamer Wasp. The allied governments are persuaded that General McMahon, understanding the importance of these operations and the interests depending on them, will contribute on his part so that they do not suffer any embarrassment.

I avail myself of this opportunity to reiterate to your excellency the assurances of my distinguished consideration.

MARIANO VARELA.

H. G. WORTHINGTON,
United States Minister Resident to Argentine and Paraguay Republics.

Mr. Seward to Mr. McMahon.

No. 8.]

DEPARTMENT OF STATE,
Washington, November 27, 1868.

SIR: Mr. Washburn's dispatch No. 102, of the 13th ultimo, has been received. Before writing to you at length upon the subject it is desira-

ble that we should have his whole correspondence. We are in daily expectation of his arrival and report.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

MARTIN T. MCMAHON, Esq., &c., &c., &c.

Mr. Seward to Mr. McMahon.

No. 9.]

DEPARTMENT OF STATE,

Washington, November 27, 1868.

SIR: Your interesting dispatch from Rio de Janeiro, No. 6, of the 26th ultimo, has been received.

The instruction, No. 7, of the 21st instant, makes it unnecessary to write to you further upon the subject at present.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

MARTIN T. MCMAHON, Esq., &c., &c., &c.

Mr. McMahon to Mr. Seward.

No. 11.]

UNITED STATES FLAG-SHIP WASP,

Off Angostura Batteries, Paraguay, December 11, 1868.

SIR: I have the honor to inform you that I left Buenos Ayres on the 21st November ultimo in company with Admiral Charles H. Davis, commanding the South Atlantic squadron, who had transferred his flag to the Wasp. We passed the military lines of the allied belligerents on the 3d instant at Las Palmas and arrived the same day opposite the headquarters of President Lopez, and in front of the Paraguayan battery of Angostura. Three vessels of the squadron, the Pawnee, Quinebago, and Kansas, remained at Corrientes below the allied lines.

Immediately upon arriving the admiral communicated with President Lopez, demanding the delivery of the two men, Bliss and Masterman. His letter, a copy of which I inclose, marked A, was delivered to the President by Captain Kirkland, of the Wasp, who returned in a few hours with the information that the President requested an interview with the admiral on the beach, and also expressed a desire that I should be present at the interview. Believing that it would be more consistent with the dignity of the government that the negotiations for the delivery of Bliss and Masterman should be conducted wholly by the admiral, I declined to accompany him to the interview. Shortly after five o'clock in the afternoon the arrival of the President at the beach was signified to the ship by the dipping of the Paraguayan flag in the fort. The admiral immediately went on shore and had an interview of some hours' duration, in which it appears the President expressed the following views: That the men, Bliss and Masterman, were guilty of serious crimes, and were not members in good faith of the United States legation; that they were at that moment actually undergoing trial; that, nevertheless, the President of Paraguay, confiding in the justice of the American government, would deliver them to the authorities of the United States, thereby exercising arbitrary authority in taking them from the custody of the judicial authorities, and expected to justify their seizure

in Asuncion by showing to the government of the United States that their pretended connection with its legation was merely for the purpose of shielding them from the consequences of their guilty acts; that, if he had delivered them under the terms of the admiral's letter claiming them as attached to and under the protection of the legation, he believed that it would be conceding an important point, which he denied and hoped to disprove. The admiral, although not fully concurring in this construction of his first letter, or of its effect, consented to replace it by another in different terms.

On the following day he sent the second letter, as agreed upon—a copy inclosed, marked B. He received on the same day a reply, a translation of which is inclosed, marked C. This reply of the President was not definite. He was willing to deliver the men, and confide them to the justice of the government of the United States; but he still objected to the terms.

Here the correspondence was interrupted by two Brazilian iron-clads, which came around the point about a mile below us, the leading one carrying the American flag and a flag of truce at the fore. The commanding officer notified us that he was about to open fire on the Paraguayan batteries. We accordingly dropped out of range—an example shortly afterwards followed by the Brazilian vessels. They continued their fire, however, until the following morning, the Paraguayans not replying after dark.

The next day we returned to our former position, and the admiral addressed a letter, a copy of which is inclosed, marked D, in which he stated in substance that it was not his province, nor had he authority either to offer or refuse any terms that would in any manner affect the *status* before the law of the men whose delivery he claimed. The same day the President replied to the effect that the men would be delivered on board the flag-ship on Tuesday, the 8th instant, at three o'clock in the afternoon, and requested that the admiral would appoint one or two officers to witness the verification of the legal process against the accused on the morning of the same day. This communication, a copy of which is inclosed, marked E, stated that the delivery was made as an act of courtesy on the part of the government of Paraguay, and as a proof of its friendship for the government of the United States and of confidence in its justice, and that he did not understand it to be in answer to a reclamation or demand.

The admiral's previous communication having sufficiently expressed that his purpose was simply to obtain the men, and that his doing so did not commit him to or against any view which the government of Paraguay might entertain or express on the subject, replied that he would be prepared to receive the men on board at the hour named, and would send two officers to verify or witness the legal declarations, as requested. (See inclosure, marked F.)

Before this reply was sent ashore we were again disturbed by the arrival of a Brazilian iron-clad flying the American flag and a flag of truce at the fore, as a notice to the Wasp, followed by a single turreted monitor. We dropped down the river out of range, and in half an hour the Brazilians did the same.

The following morning we returned and the letter was sent ashore. Later in the day an officer came on board with the information that the President was at Ivahé, a few miles above us on the river, where on the day previous he had defeated the Brazilians with heavy loss.

On the 8th instant Commander Ramsey and Lieutenant Commander Kirkland went to the headquarters of President Lopez and heard the

declarations of the accused persons, Bliss and Masterman, read over to them, sworn to and signed. The officers who witnessed the transaction inform me that the declarations are voluminous, containing much irrelevant matter; that the manner of the two men while listening to their declarations and undergoing examination was different. Bliss seemed self-possessed and frequently corrected his testimony; Masterman was nervous and frightened, and when questioned by Captain Ramsey as to whether he intended to swear voluntarily to all he had heard, said, "Please don't ask me any questions."

On the 10th (yesterday) at 11 p. m. the men were sent on board the Wasp, at the same time the President sent to inquire at what time I desired to land. I replied that I would land to-day at 1 p. m.

The papers which accompanied the prisoners are sealed and addressed to you and will be transmitted by the admiral.

I trust that my course under the circumstances I have narrated in this and previous dispatches will be approved by the government.

I have the honor to be, very respectfully, your obedient servant,
M. T. McMAHON.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

A.

Rear-Admiral Davis to President Lopez.

UNITED STATES FLAG-SHIP WASP, (4th rate,)

In front of Angostura, Paraguay, December 3, 1868.

SIR: I have the honor to inform your excellency that I have arrived in front of Angostura, having on board his excellency General M. T. McMahon, the minister of the United States to the republic of Paraguay.

As an indisputable preliminary step to the presentation by General McMahon to your excellency of his credential letter, I have to request that Messrs. Bliss and Masterman, the persons arrested and detained in Asuncion while under the protection and attached to the legation of the previous United States minister, be restored to the authority of the United States flag.

Knowing that before the occurrence of this arrest and detention it was the earnest desire of the government of the United States to continue under the existing circumstances its friendly relations with the republic of Paraguay, a desire sufficiently manifested by the prompt appointment of General McMahon, it is my hope that your excellency will hasten to remove the only obstacle which stands in the way of these relations.

I have the honor to be, with the highest respect, your excellency's most obedient servant,

C. H. DAVIS,

*Rear-Admiral Commanding the Naval Forces of the
United States in the South Atlantic.*

His Excellency Marshal Don FRANCISCO SOLANO LOPEZ,
President of the Republic of Paraguay.

B.

Rear-Admiral Davis to President Lopez.

UNITED STATES FLAG-SHIP WASP, (4th rate,)

In Front of Angostura, Paraguay, December 4, 1868.

SIR: I have the honor to apprise your excellency of my arrival in front of the batteries of Angostura.

My object in placing myself in personal intercourse with your excellency is to request that Messrs. Bliss and Masterman, the individuals arrested and detained in Asuncion on the 10th day of September last, may be delivered into my keeping subject to the orders of the United States.

It does not belong to me to define, or even to consider, the status of these individuals. But on this subject your excellency will, I do not doubt, repose confidence in the justice and friendship of the United States, which has afforded your excellency many recent proofs of its respect and sympathy.

Any papers your excellency may be pleased to send with these individuals will be transmitted to Washington by the earliest opportunity.

I have the honor to be, with the highest respect, your excellency's most obedient servant,

C. H. DAVIS,
*Rear-Admiral Commanding Naval Forces of the
United States in the South Atlantic.*

His Excellency Marshal Don FRANCISCO SOLANO LOPEZ,
President of the Republic of Paraguay.

C.

Señor Palacios to Rear-Admiral Davis.

[Translation.]

HEADQUARTERS AT PIKYSRY, .
December 5, 1868.

ADMIRAL: I have the honor to inform your excellency of the receipt of the note which you have been pleased to address, under the date of yesterday, to his excellency the marshal President of the republic, by whose order I now reply to your excellency.

The Paraguayan government, always influenced by the best and most friendly sentiments towards the United States of America, would gladly avail itself of every opportunity in which, without receding from its sovereignty and its rights, it could offer fresh proofs of its constant friendship, but his excellency the President regrets that it is not in his power to accede to the delivery, on the terms of your excellency, of the accused Bliss and Masterman to the keeping of your excellency, who, if not called upon to define or even to consider, should not at least conceal from yourself the fact of their being criminals deeply committed in the affairs of a horrible conspiracy, very particularly the former.

Nevertheless, his excellency the President of the republic would cheerfully consent to the delivery of the criminals Bliss and Masterman, provided it were requested in a manner more in conformity with the fact of their being accomplices of Mr. Washburn, and the first intimately acquainted with his intrigues in the character of conspirator and agent of the enemy, of which he is now accused in the national tribunals, since they could be useful in the administration of justice by the American government, to whose judgment he would confide the above-mentioned criminals.

I avail myself of this opportunity to assure your excellency of my very distinguished consideration.

JUAN MANUEL PALACIOS,
Chief Military Secretary.

His Excellency Rear-Admiral C. H. DAVIS,
Commanding Naval Forces of U. S. in the South Atlantic.

D.

Rear-Admiral Davis to President Lopez.

UNITED STATES FLAG-SHIP WASP, (4th rate),
In front of Angostura Paraguay, December 5, 1868.

SIR: I have the honor to acknowledge the receipt of a communication from your excellency, in reply to my communication of the 4th instant, in which your excellency expresses a willingness to deliver to the United States government, in my keeping, the accused persons, Bliss and Masterman, mentioned in the said note, but that your excellency objects to their delivery under the terms of my note.

I wish your excellency to believe that it is no part of my official duty either to offer or to refuse any terms which will affect the alleged criminal condition of the two persons in question.

The papers accompanying those two persons will sufficiently express to the government of the United States the judgment of the government of Paraguay in their cases.

I take this occasion to inform your excellency that I am accompanied by a minister

accredited to the government of Paraguay, who, should no difficulties exist to prevent it, will present his credentials.

Considering this, and the friendship of the government of the United States of America for that of the republic of Paraguay, I have to ask your excellency to embark the accused persons, Bliss and Masterman, on board of this vessel, in order that I may keep them in security, subject to the disposition of the government of the United States, of whose justice and friendly sentiments your excellency can entertain no doubt.

Your excellency is aware that the present position of this vessel is one in which she should not be detained longer than is absolutely necessary.

Will your excellency, therefore, be pleased to inform me when I may expect to receive these persons on board, or to apprise me at the earliest moment that it is not your excellency's intention to send them at all, if such should be your final decision.

I have the honor to be, with the highest respect, your excellency's most obedient servant,

C. H. DAVIS,
*Rear-Admiral Commanding the Naval Forces of the
United States in the South Atlantic.*

His Excellency Marshal DON FRANCISCO SOLANO LOPEZ,
President of the Republic of Paraguay.

E.

Señor Palacios to Rear-Admiral Davis.

[Translation.]

HEADQUARTERS AT PIKYSRY, December 6, 1868.

ADMIRAL: His excellency the marshal President of the republic directs me to reply to the communication of yesterday's date, which he has just received from your excellency, in answer to the communication of mine of the same day, written also by his excellency's command.

As to what is said of the form of your excellency's application for the embarkation of the criminals Bliss and Masterman, that it never intended either to offer or refuse terms which might affect the criminal condition of the individuals in question, but to leave it well understood that this application could not be complied with in the sense of a reclamation, but of a graceful courtesy on the part of the government of Paraguay towards that of the United States of America, if in my answer your excellency could find anything different I beg pardon.

Your excellency will now permit me to remark that I have written nothing in that communication which authorizes your excellency to believe that it has ever been the intention of his excellency the President of the republic not to deliver up the criminals Bliss and Masterman unreservedly.

I thought that I had made it distinctly apparent that his excellency regretted that it was not in his power to accede to the conditions of the first demand, but since neither a reclamation nor a demand is in question, thus strengthening my former communication, his excellency has given the necessary orders for the delivery of the criminals in a conspiracy, Bliss and Masterman, on board of your excellency's vessel, that they may be securely retained subject to the disposition of the government of the United States of America, asking permission to recommend to your excellency their entire non-intercourse with the belligerent countries in whose service the conspiracy was set on foot.

Your excellency will consider this application sufficiently justified by the actual state of the war, which has also led your excellency to request that you should not be detained longer than is essentially necessary.

In this prospect I am happy to inform your excellency that the prosecuting officers, who have received the order of his excellency, with a recommendation to be brief, expect to get through in time for the embarkation of the criminals Bliss and Masterman by 3 o'clock of the afternoon of the 8th instant, and at the same time they have expressed a wish, which they hope will be gratified, that your excellency will name one or two of your officers who can witness, on the morning of the same day, the verification of the declarations of both of the accused in the case.

His excellency the President thanks your excellency for the information that you are accompanied by a minister accredited to this republic, the presentation of whose credentials the minister will be pleased to arrange at his convenience in the customary form.

I profit by the occasion to offer to your excellency the assurance of my very distinguished consideration.

JUAN MANUEL PALACIOS,
Chief Military Secretary.

His Excellency Rear-Admiral C. H. DAVIS,
Commanding the Naval Forces of U. S. in South Atlantic.

F.

Rear-Admiral Davis to President Lopez.

UNITED STATES FLAG-SHIP WASP, (4th rate.)
In front of Angostura, Paraguay, December 7, 1868.

SIR: I have the honor to acknowledge the receipt of your excellency's letter of the 6th instant.

In obedience to your excellency's wishes I shall appoint two superior officers, one of them the chief of my staff, to witness the verification of the declaration of the accused, Bliss and Masterman, and I shall be ready to receive the accused on board of my flag-ship at the time appointed by your excellency.

These officers will be at your excellency's command on the morning of the 8th instant.

I have the honor to be, with the highest respect, your excellency's most obedient servant,

C. H. DAVIS,
*Rear-Admiral Commanding the Naval Forces of
 the United States in the South Atlantic.*

His Excellency Marshal Don FRANCISCO SOLANO LOPEZ,
President of the Republic of Paraguay.

Mr. McMahon to Mr. Seward.

No. 12.]

UNITED STATES FLAG-SHIP WASP,
Off Angostura, Paraguay, December 11, 1868.

SIR: I have the honor to state that this dispatch contains only an account of the military position of the belligerents, with reliable intelligence from the theater of war on the Paraguay River up to the present date.

My dispatch of the 11th instant, numbered 11, sent by this mail, is devoted to the subject of the release of Bliss and Masterman.

The principal position of President Lopez at this time on the river is at Angostura. There he has two batteries, about three hundred yards apart, numbering in all fifteen guns, one a Whitworth gun of superior caliber, one an eight-inch gun of Paraguayan manufacture, the others old-fashioned smooth-bore guns, about 32-pounders. These batteries, the lower one especially, command a reach of the river below for about two miles. There the river turns abruptly to the left and reveals the allied position. Several iron-clads, or monitors, several gunboats, are about one or two miles below, the transports and supply ships in considerable number. The anchorage here is known as Las Palmas.

Above Lopez's position at Angostura, about six miles distant, is Villeta. Above Villeta about two miles is Ivahé. Here are several Brazilian iron-clads which ran by the batteries of Angostura with closed ports. Here also is the main body of the allied army, which crossed into the Gran Chaco at Las Palmas, proceeded up on the Chaco side and recrossed at this point into Paraguay. From Ivahé the allies advanced on Sunday, the 6th instant, into the interior, until they were decoyed into a tract of dry land, surrounded by swamps and entered by a single causeway and bridge. Here they were attacked and defeated with a loss of six thousand men and two pieces of artillery, according to the Paraguayan account, and of one thousand five hundred as conceded by the Brazilians, who also admit the loss of four general officers and many others of less rank.

The Paraguayan officers claim that their loss is almost nothing, and that the enemy were driven back to the river in confusion. The Brazil-

ians claim that they captured four guns, and that they still hold the bridge and the causeway. It is quite certain that the battle was very disastrous to the allies, and very probable that the Paraguayan accounts are much nearer the truth. On the afternoon of the engagement the batteries in our front were dressed in flags, and there was much rejoicing in the Paraguayan camps.

I have the honor to be, very respectfully, your obedient servant,
M. T. McMAHON.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Señor Palacios to Mr. Seward.

[Translation.]

HEADQUARTERS AT PIKYSYRY,
December 10, 1868.

Mr. MINISTER: Rear-Admiral Davis having reached Angostura, and the following correspondence having taken place, (numbers 1 to 5,) and the minister of foreign relations being absent, he requests me to send you the annexed documents and a certified copy of the depositions of Bliss and Masterman, before they were delivered on board the Wasp this afternoon, until the minister can address you on the subject.

I have the honor to offer you the assurances of my distinguished consideration.

JUAN MANUEL PALACIOS,
Chief Clerk in the Commanding General's Office.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

No. 1.

Rear-Admiral Davis to President Lopez.

UNITED STATES FLAG-SHIP WASP, (4th rate,)
In front of Angostura, Paraguay, December 4, 1868.

SIR: I have the honor to apprise your excellency of my arrival in front of the batteries of Angostura.

My object in placing myself in personal intercourse with your excellency is to request that Messrs. Bliss and Masterman, the individuals arrested and detained in Asuncion, on the 10th day of September last, may be delivered into my keeping, subject to the order of the United States.

It does not belong to me to define or even to consider the state of these individuals. But on this subject your excellency will, I do not doubt, repose confidence in the justice and friendship of the United States, which has afforded your excellency many recent proofs of its respect and sympathy.

Any papers your excellency may be pleased to send with these individuals will be transmitted to Washington by the earliest opportunity.

I have the honor to be, with the highest respect, your excellency's most obedient servant,

C. H. DAVIS,
*Rear-Admiral Commanding the Naval Forces
of the United States in the South Atlantic.*

His Excellency Marshal Don FRANCISCO SOLANO LOPEZ,
President of the Republic of Paraguay.

No. 2.

Señor Palacios to Rear-Admiral Davis.

[Translation.]

HEADQUARTERS AT PIKYSRY,
December 5, 1868.

ADMIRAL: I have the honor to inform your excellency of the receipt of the note you have been pleased to address, under date of yesterday, to his excellency the marshal President of the republic, by whose order I now reply to your excellency.

The Paraguayan government, always influenced by the best and most friendly sentiments towards the United States of America, would gladly avail itself of every opportunity in which, without receding from its sovereignty and its rights, it could offer fresh proofs of its constant friendship; but his excellency the President regrets that it is not in his power to accede to the delivering on the terms of your excellency of the accused, Bliss and Masterman, to the keeping of your excellency, who if not called upon to define, or even to consider, should not at least concede from yourself the fact of their being criminals, deeply committed in the affairs of a horrible conspiracy—very particularly the former.

Nevertheless, his excellency the President of the republic would cheerfully consent to the delivery of the criminals, Bliss and Masterman, provided it were requested in a manner more in conformity with the fact of their being accomplices of Mr. Washburn, and the first intimately acquainted with his intrigues in the character of conspirator and agent of the enemy, of which he is now accused in the national tribunals, since they could be useful in the administration of justice by the American government, to whose judgment he would confide the above-mentioned criminals.

I avail myself of this opportunity to assure your excellency of my very distinguished consideration.

JUAN MANUEL PALACIOS,
*Chief Military Secretary.*His Excellency Rear-Admiral C. H. DAVIS,
Commanding the Naval Forces of the U. S. in the South Atlantic.

No. 3.

*Rear-Admiral Davis to President Lopez.*UNITED STATES FLAG-SHIP WASP, (4th rate,)
In front of Angostura, Paraguay, December 5, 1868.

SIR: I have the honor to acknowledge the receipt of a communication from your excellency in reply to my communication of the 4th instant, in which your excellency expresses a willingness to deliver to the United States government, in my keeping, the accused persons Bliss and Masterman, mentioned in the said note, but that your excellency objects to their delivery under the terms of my note.

I wish your excellency to believe that it is no part of my official duty either to offer or to refuse any terms which will affect the alleged criminal condition of the two persons in question.

The papers accompanying these two persons will sufficiently express to the government of the United States the judgment of the government of Paraguay in their cases.

I take this occasion to inform your excellency that I am accompanied by a minister accredited to the government of Paraguay, who, should no difficulties exist to prevent it, will present his credentials.

Considering this, and the friendship of the government of the United States of America for that of the Republic of Paraguay, I have to ask your excellency to embark the accused persons Bliss and Masterman on board of this vessel, in order that I may keep them in security, subject to the disposition of the government of the United States, of whose justice and friendly sentiment your excellency can entertain no doubt.

Your excellency is aware that the present position of this vessel is one in which she should not be detained longer than is absolutely necessary.

Will your excellency, therefore, be pleased to inform me when I may expect to receive these persons on board, or to apprise me at the earliest moment that it is not your excellency's intention to send them at all, if such should be your final decision.

I have the honor to be, with the highest respect, your excellency's most obedient servant,

C. H. DAVIS,
*Rear-Admiral Commanding the Naval Forces
of the United States in the South Atlantic.*His Excellency Marshal Don FRANCISCO SOLANO LOPEZ,
President of the Republic of Paraguay.

No. 4.

Señor Palacios to Rear-Admiral Davis.

[Translation.]

HEADQUARTERS, PIKYSRY, December 6, 1868.

ADMIRAL: His excellency the marshal President of the republic directs me to reply to the communication of yesterday's date which he has just received from your excellency, in answer to a communication of mine of the same day, written also by his excellency's command.

As to what is said of the form of your excellency's application for the embarkation of the criminals Bliss and Masterman, that it never intended either to offer or refuse terms which might affect the criminal condition of the individuals in question, but to leave it well established that this application could not be complied with in the sense of a reclamation, but of a graceful courtesy on the part of the government of Paraguay towards that of the United States of America; if in my answer your excellency could find anything different, I beg pardon.

Your excellency will now permit me to remark that I have written nothing in that communication which authorizes your excellency to believe that it has ever been the intention of his excellency the President of the republic not to deliver up the criminals, Bliss and Masterman, unreservedly.

I thought that I had made it distinctly apparent that his excellency regretted that it was not in his power to accede to the conditions of the first demand; but since neither a reclamation nor a demand is in question, thus strengthening my former communication, his excellency has given the necessary orders for the delivery of the criminals in a conspiracy, Bliss and Masterman, on board of your excellency's vessel, that they may be securely retained, subject to the disposition of the government of the United States, asking permission to recommend to your excellency their entire non-intercourse with the belligerent countries in whose service the conspiracy was set on foot.

Your excellency will consider this application sufficiently justified by the actual state of the war, which has also led your excellency to request that you should not be detained longer than is absolutely necessary.

In this respect I am happy to inform your excellency that the prosecuting officers, who have received the orders of his excellency with a recommendation to be brief, expect to get through in time for the embarkation of the criminals, Bliss and Masterman, by 3 o'clock of the afternoon of the 8th instant, and at the same time they have expressed a wish, which they hope will be gratified, that your excellency will name one or two of your officers who can witness on the morning of the same day the verification of the declarations of both of the accused in the case.

His excellency the President thanks your excellency for the information that you are accompanied by a minister accredited to this republic, the presentation of whose credentials the minister will be pleased to arrange at his convenience in the customary form.

I profit by the occasion to offer to your excellency the assurance of my very distinguished consideration.

JUAN MANUEL PALACIOS,
Chief Military Secretary.

His Excellency Rear-Admiral C. H. DAVIS,
Commanding the Naval Forces of the U. S. in the South Atlantic.

Rear-Admiral Davis to President Lopez.

UNITED STATES FLAG-SHIP WASP, (4th rate,)

In front of Angostura, Paraguay, December 7, 1868.

SIR: I have the honor to acknowledge the receipt of your excellency's letter of the 6th instant.

In obedience to your excellency's wishes I shall appoint two superior officers, one of them the chief of my staff, to witness the verification of the declaration of the accused, Bliss and Masterman, and I shall be ready to receive the accused on board of my flagship at the time appointed by your excellency.

These officers will be at your excellency's command on the morning of the 8th instant.

I have the honor to be, with the highest respect, your excellency's most obedient servant,

C. H. DAVIS,
*Rear-Admiral Commanding the Naval Forces
of the United States in the South Atlantic.*

His Excellency Marshal Don FRANCISCO SOLANO LOPEZ,
President of the Republic of Paraguay.

[Translation.]

Deposition of the accused, George Frederick Masterman, made on the 11th of September.

Says he has resided seven years in Asuncion, where he was engaged by the government as apothecary, and continued the business till September; that he was arrested for disobedience to the orders of the commander of the city, in not giving up letters directed to Dr. Rhind, that should have passed through the post office; that he is a Protestant in religious belief.

Says the minister of the United States procured his release in September to attend his lady in her confinement, and Doctor Rhind, who is also an Englishman in the service of Paraguay, having told him that the government would not prosecute him, he remained in Mr. Washburn's family as physician, and lodged with the secretary of the legation in the second court of the house.

Believes he was imprisoned because suspected of knowing of a conspiracy in the city; that Dr. Carreras told him, when he went to live at the legation in February, at the time the enemy's iron-clads came up, that the war was nearly over, and a revolution was organizing to put an end to it and establish a more liberal government; that a committee of eminent men had been chosen to form it, but he did not say who they were, or give the plans of the new government; and he heard Carreras and Rodriguez, both of whom were in the legation, talk to Minister Washburn about the conspiracy, and he heard them say that Washburn was interested in it, and intended to act with the committee in favor of the revolution; and he had often heard the minister say that Lopez was no general, for he lost many men for want of skill and by mismanagement, and it would be well to change the government, and he was in favor of it. Says that when Dr. Carreras spoke to him of the revolution, he invited him to take part in the conspiracy, but he gave him an evasive answer, and said he thought a change of government would produce beneficial results, yet he did not wish to take an active part in the revolution.

That the minister was constantly lamenting that he could not make money in the country; only a few days previous to the deponent's arrest, speaking of the war, the minister said: "I could be of great service to Lopez by bringing about a peace with the enemy, and I would do it if only the marshal would treat me well;" and the deponent understood this to mean a good sum of money, for the minister is very covetous, and complained that the government of Paraguay had never given him anything but a few bales of native tea.

Mr. Bliss was also mixed up with the revolution, and always spoke contemptuously of Paraguay and in favor of the revolutionary movement, but deponent cannot say what part he would have taken, for he did not often converse with him, being much occupied with his scientific researches. Previous to the evacuation Bliss lived in front of the legation, and only came there in March, with Mr. Manlove, another North American who lived near the legation, and had been arrested for riding in the streets after the order of evacuation, and also another time for opening the house of Mr. Narciso Lasserre, a Frenchman, without giving notice to the police, and taking some things out of it after the evacuation. Mr. Bliss was then at the legation and passed his time in teaching Mr. Rodriguez English, rooming with him and Carreras, and in translating the notes of the minister of foreign relations into English, said notes being on the subject of asylum in the legation, and about persons engaged in the conspiracy to stop the war and form a new government for the republic.

That on the 10th instant, at eleven o'clock in the morning, before going out, Minister Washburn called Mr. Bliss aside and spoke to him for a quarter of an hour; and then told the deponent what he had said to Dr. Carreras and Rodriguez, and charged him not to say anything about it; the minister appeared excited and anxious.

All he knows about the affairs of the American legation is what Mr. Washburn told him, as follows:

That soon after the minister's visit last year to the enemy's camp, under pretext of effecting a compromise with the allies, and thus bring about peace, he told him it was all a sham, as he went to see which side would give him the most money. Caxias offered him 20,000 gold ounces, (\$340,000,) but he thought Paraguay would offer more; but disappointed there, he was inclined to favor the allies; and for that purpose went to see Caxias to inform him of the situation in Paraguay, and advise him to take his forces by Encarnacion to make an attack, so as to avoid Humaita; but Caxias said he was afraid to do it without the support of the squadron. Washburn then asked him why he did not attack Humaita with his iron-clads; Caxias said he was afraid of torpedoes; the minister said he would show him how to make a machine to catch the torpedoes without risk; Caxias accepted the offer, and the minister instructed him how to make the machine. Some time afterwards the minister told him he had received a note from Caxias saying the machine was successful. The minister also expressed his surprise that troops were not sent by way of Mato Grosso, as it would produce such a fright that the city could easily be captured.

The deponent did not see the letters Caxias wrote to the minister, but the latter told him they were about the war and his promises to aid the allies; and this was why Washburn took such an active part in the business of the revolutionary committee composed of Doctor Carreras, Rodriguez, Benigno Lopez, José Berges, and Saturnino Bedoya, with Bliss and Coriolano Marques as his assistants in trying to put an end to the war and set up a new government. The minister said he always burned the letters from Caxias.

One afternoon in March, while the minister was walking in the hall of the house with the deponent and Mr. Menké, the secretary of the legation, he said to them: "Do you know there is a plot to assassinate Marshal Lopez, and end the war? Some daring men are to go to his camp with some message and then kill him, while the revolutionary flag is to be hoisted in the capital." The conversation was here interrupted, and we heard no more about the assassination conspiracy.

The deponent did not hear from Washburn directly what sum of money he was to get, but he heard him say to his wife, one night, in the parlor, that Benigno Lopez had offered him 2,000 ounces of gold, and much more in bills, for his aid in the revolution.

Besides those mentioned as engaged in the revolution, deponent says there were Mr. Menké, the secretary; Vasconcellos; Leite Pereira; Fidansa and Antonio Rebandi; whom he often heard spoken of as engaged in it.

The minister said he was in favor of making Carlos Saguier president of the republic because he was a Paraguayan; but the other foreigners were in favor of Count de Eu. On the 25th September the deposition was continued as follows:

Minister Washburn always blamed the French consul for sympathizing with the government of Paraguay, and even called him a fool when he drank to the health of Lopez; ridiculed him for quitting the city when the proclamation for evacuation was issued; said the government could not compel him to leave, and he was simple for obeying the order; and showed that he thought more of his hide (meaning his skin) than he did of the honor of the French nation; that he was a drunken beast, uneducated, and entirely disqualified to represent worthily a great nation like that of France.

NOTE.—The prosecuting attorney allowed George Masterman to write to his mother in England. The translation of the letter is as follows:

"SEPTEMBER 12, 1868.

"MY DEAR MOTHER: In my letter to you of the 8th instant, sent through Mr. Washburn, I mentioned the terrible conspiracy to destroy the government of Paraguay and its President, who by his skill and bravery in this war had defied the power of Brazil and gained a reputation unexampled in America. The conspiracy was suggested and chiefly arranged by Mr. Washburn, who was in league with the enemy. As I was living in his house I could not help hearing about it; and I am sorry I did not denounce him to the government, but I have done all I could to make up for the neglect. I have candidly confessed all I know of this terrible business; and I hope I will be pardoned by the President. I hope my life may be spared, so I may see you again.

"Your affectionate son,

"GEORGE."

On the 7th of October the examination was continued, and the deponent declared as follows:

Washburn said he hoped to save the deponent by taking him away with him; but when his passport was made out without deponent's name being included, the minister advised him to declare his innocence of all complicity in the conspiracy, and to sign no paper that he had not read, for there was no faith to be put in the tribunals of the country; and the deponent promised to do as Washburn advised him.

One day, when Washburn, Bliss, and the deponent were together in the dining-room, the former said he supposed his Congress would order his conduct to be inquired into, and he hoped the two gentlemen would give proper testimony; and then, turning to Bliss, said: "As you are living with me like a brother, and know all about my affairs, your evidence will be very important." And then Washburn proposed to Bliss to publish the work he had written on the Indians and their languages, and promised to eulogize him in the introduction he intended to write for the book, and laud him as a man of talent and capability. The three houses mentioned, belonging to Luis Tara, were rented by Charles Ulrich, a German. The deponent went to live in them with Manlove because the English engineers had taken the house where he formerly lived, and subsequently Mr. Bliss came to live with him. He did not know what Washburn had to do with the houses, but he heard Mr. Menké, the secretary, say that Ulrich had made a written agreement with Washburn to extend the protection of his flag over the houses, and it was done. As deponent was physician to the legation, where Washburn had invited him to come, with the promise to attach him formally, he was always treated as a member of the legation, in official notes, so as to prevent him from being demanded by the public authorities to answer a charge of complicity in the conspiracy. But, in reality, Mr. Washburn treated him with contempt, afterwards abused him, and finally drove him from the house. If Washburn did keep him at the legation, it was only to

prevent him from being tried publicly, and then his confession would tell all about the conspiracy in which Washburn was engaged.

On the 27th or 28th September he went to Mr. Washburn's house to attend his wife in confinement, and Mr. Washburn said if he would live there he would make him surgeon of the legation, and he agreed to remain; but, so long as he was in the house, he never was treated as attaché to the legation. From the very first day Washburn treated him as meanly as a servant. One day, when talking of certain American customs, the deponent ridiculed some of them, more in jest than in earnest, and Mr. Washburn became very angry, and deponent left him to become quiet.

He called to see Mr. Washburn the next day, and said to him, "You were too angry yesterday when conversing with me to weigh your words; I hope you think differently of me to-day." To which Washburn replied, "No, I am still of the same opinion." Then deponent said, "Then I am to blame, and, having found out how sensitive you are, I will behave differently hereafter, to avoid disputes."

Soon after this Mr. Washburn went to Mr. Manlove's house and said to him, "I have treated Masterman badly, and I am sorry for it, but I cannot apologize; you must do it for me." Mr. Manlove told me that the same day.

Deponent went that evening to sup with Doctor Rhind, and told him about Washburn, saying he was so irritable a man he was sorry he went to live at his house. Rhind said, yes, Washburn was a coarse, uncivil man, but as deponent was there he had better stay. Deponent consented to stay only till he could get some situation under the government, for he had no other way to live. After this deponent was never on good terms with Washburn, but continued to live in one of the rooms of the house till November, when Washburn and his family went to live in Saturnino Bedoya's house, in Trinidad, and deponent made two professional visits per week to the family there.

About two weeks before the evacuation of the city Washburn returned from Trinidad with his family, and took up his residence at the legation. Mrs. Washburn said she hated to leave Trinidad, as she expected to remain there till ready to quit the country, but she had to leave on account of Madam Juana Carrillos. It was then that deponent left the legation and went to live with Mr. Bliss, not far off, and again in another house, in the same square. While he was there the evacuation of the city took place, and the English machinists took refuge in Mr. Washburn's house. There were eight men and their families, six women and a dozen children, in the house; and, as there was no room, he had to move elsewhere.

The next day Mr. Washburn invited him to breakfast, and introduced him to Doctor Carreras, whom he had never seen, and to Rodriguez, whom he knew only by sight. Mrs. Washburn and the four men were at table, when Mr. Washburn told his wife that one of the English machinists, with his wife, refused to live with the others because they were low and vulgar people. The deponent thought this singular, as he had lived with them, and found them to be very respectable people.

Mr. Washburn must have misunderstood what was said, for, on leaving the table, he said to deponent angrily, "So you think Benjamin Franklin ought not to have taken a seat in presence of George III," meaning to place the machinists above deponent, who replied, "On the contrary, sir, I think Franklin greater than any king in the world."

Afterwards, while walking in the garden, Washburn came up to the deponent and said angrily, "Mr. Masterman, I will bear no such remarks as you made at table;" and deponent replied, "I did not intend to offend you by my remarks." "Yes, you grumbled because I put you with the arsenal men; if you are better than they are, the sooner you leave my house the better." Deponent attempted an explanation, but the minister would not listen to him, and ordered him away. Deponent then said: "I will go, for Mr. Manlove invited me to stay with him, and I will take this opportunity to tell him you have treated me most shamefully. You have done this because I am poor and in your power; if I were in other circumstances you would not dare to treat me so."

Just then one of the machinists passed and deponent asked him if he had not treated him respectfully; and the machinist said, certainly; and then deponent began to move his baggage to the corner house.

Early the next day Manlove came to deponent and said he had rented two rooms of Ulrich, and laid out three hundred dollars for beef, pork, and fowls, and if he would pay half of it, he would give him a room where he could read at his ease. Deponent accepted the offer and did not see Washburn for fifteen days, when he was called to see Mrs. W., who was unwell.

During this time, Anabella Casal, a Paraguayan, and friend of Mrs. W., was living at the legation, and as Parodi had treated her badly when she was sick, deponent was called to visit her.

A short time afterwards Washburn came to Manlove's door, where Bliss and deponent were sitting, and said to the latter: "When I want your services I will send for you; till then you need not enter my house again." Deponent replied: "It was pity for Anabella that brought me before, and as she is not your servant, I supposed she

had a right to send for whom she pleased ; however, I will do as you bid." Washburn had already engaged Parodi to attend to the sick in his family.

The next day deponent sent this note :

"Mr. Masterman presents his compliments to Mr. Washburn, and would thank him to pay the subjoined account."

The account was for one hundred and fifty dollars, more or less, for attending Basel, a servant, who had an attack of cholera, and other sick in his house. The note was sealed with wax.

Washburn sent this open note back by Scotty, his English servant :

"Mr. Washburn has the honor to inform Mr. Masterman that he wants the room he occupies, and begs he will quit it with all his things before four o'clock this afternoon ; for he can no longer bear the insolence of a vulgar, ignorant, pitiful pill pedlar ; and as to the account sent, he must inform Mr. Masterman that he owes him ten times as much."

Washburn had the brutality to read that insulting letter to three of the English machinists—Watts, Eden, and Newton—before sending it, and told them if Masterman did not instantly leave his house, he would send for the police and have him put out.

As soon as deponent got the letter, he went to Manlove to show it to him and ask him if the house was his or Washburn's. Manlove was furious on reading the letter ; said the house was his, and deponent should not be driven out ; and then went to Washburn's room, where deponent heard them talking loudly for half an hour. When Manlove came back he told deponent he could not help him and he would have to leave, for Washburn had entered into a written agreement with Ulrich to rent the corner house, and of course it belonged to the legation.

Washburn took a ride that evening on horseback, and on his return he sent for Manlove and said to him, that if Masterman left the house he would certainly be sent to jail, as he had no permit to appear in the street ; and therefore he had better stay in the house, but under the express condition to keep in his room. Deponent was obliged to accept these hard conditions, and remained in his room for two months.

Deponent next day wrote to Doctor Rhind and told him all that had happened. Rhind came to the city the next day to see the minister, who quarreled with him too, and ordered him out of his house. Then deponent told Doctor Rhind of his grievances, and begged him to speak to the Vice-President about his case, or write to Doctor Stewart and get him a situation in the general hospital as surgeon. Doctor Rhind fell sick about that time and could not attend to business.

About three weeks after, Washburn broke with Manlove about the corner house ; each claiming the property. Both were drunk at the time.

After this deponent spoke to Manlove and advised him to write to Washburn the next day and try to make up with him. Manlove did write very politely, and Washburn answered rudely and told him to leave the house ; and as he had the keys of Lasserre's house, with license to enter it, he had better go there and live.

Manlove then wrote to the minister and begged him to get permission from the police to live in Lasserre's house. Washburn said he would do no such thing. So the next day Manlove attempted to move into Lasserre's house and was arrested for it.

After this, deponent had nothing to do with Mr. Washburn, until he sent for him to see his sick daughter, who was growing worse under Parodi's treatment. On reaching the house Mr. Washburn extended his hand, but deponent refused to take it, and did not make up with him until he was summoned by the court to be tried for conspiracy. Two days after the first note, while deponent was supping with Meink and Bliss, Washburn came in and asked Bliss if he had given Masterman the notice. Deponent asked what notice ; and Washburn said deponent and Bliss were to be tried by the national government for conspiracy ; that he had not told them of it sooner, because Masterman was not well, and he thought he might die if confined in a close jail. The deponent then said he hoped Mr. Washburn would send his microscope to his sister, as a memento, if he was executed ; and Mr. Washburn said, what foolishness to be talking about microscopes when your life is in danger ! The instrument is worth four hundred *patagones*, or sixty pounds sterling, replied deponent, and I have had it with me half my life. The minister said he would make no such promise, for he did not know if he would get out of the country alive.

That same night Mr. Washburn asked deponent what he intended to do ; if he would leave the legation ; and deponent replied, that as he had taken no active part in the conspiracy, he would give himself up to the authorities, and Bliss ought to do so too, for there was no American vessel in the river to help them. Then turning to Bliss, he said, and what are you going to do ? Bliss said he was going to stay where he was as long as he could. Washburn then said if they would remain in the legation he would say officially that they were members of the legation, and they might be saved in that way. To this the deponent replied that as his name was not on the first list, it was too late to put it on now ; but Washburn insisted it was through mistake, and not intentionally, that his name was not put down at first as a member of the legation.

On another occasion Washburn told Bliss and deponent he would make a serious

proposition to the government for them, which was that they should be kept at the legation until some American war vessel could carry them to Buenos Ayres and deliver them to the respective admirals of their nations. Both accepted the proposal at once, and promised to do as the minister told them while his word was pledged to the government to keep them in his house.

They remained fifteen days in the house under arrest, until the minister received a note from the government saying his proposition would not be accepted.

After this Washburn became reserved towards deponent and Bliss, but continued to make them believe he would try to save them by including them in his passport and thus taking them out of the country.

From that time Washburn showed great anxiety to get out of the country, and even expressed the fear that his house and papers might be suddenly examined by the police.

Deponent asked several times to send a message to the English minister, but Washburn paid no attention to his request, and Bliss was scarcely noticed by him.

Finally Mr. Washburn received his passport, and found that both Bliss and the deponent were excluded from it. He then said he would do all he could for him; that he intended to tell all of the foreign ministers in Buenos Ayres of the persecution of foreigners, and try to induce them to do something for them. As soon as he got up an excitement against Paraguay, he would go to the United States, for there was to be an election there for President in the autumn, and if General Grant, his intimate friend, was elected, the disturbances in Paraguay would certainly be settled satisfactorily, meaning those imprisoned for conspiracy would be released and satisfaction be demanded for grievances.

After detailing here all the mistreatments, slights, and insults from Washburn, in return for services willingly rendered, deponent declares, that so far from enjoying the privileges of a member of the legation, as Washburn asserts he did, he was used by him for his professional services, and treated most shamefully, as is seen in every part of this candid confession he has made in satisfaction to justice and in respect to truth.

On the 28th of November, when formally questioned and asked if he acknowledged the foregoing deposition to be his words and the signature at the bottom his handwriting, he answered and said that what he had heard read was his deposition, made before the court of justice in confession of the part he had taken in the conspiracy against the country and the supreme government. He affirms and ratifies all he has said, but makes this explanation of what he declared on the 11th of September, namely, that Caxias offered Washburn twenty thousand ounces of gold. This offer was made to Washburn before his return to this country, and while he was at Corrientes, by one of Caxias's officers, who used these terms:

"Mr. Washburn, your expenses here must be very great, living as you do with your lady and servants in a hotel all the time you stay here. You will allow us to pay your expenses; we can furnish you all you want; the empire is rich enough to place twenty thousand ounces of gold at your disposal."

This is precisely what Washburn told the deponent; and he also declares that all he has said in answer to charges against him for criminal complicity in a conspiracy against the government is true, and he affirms it to be the truth of what occurred; says the signatures at the foot of each interrogatory are his; that the names and surnames are correct, and the writing is that which he uses in all his papers and written contracts and agreements.

Another new ratification made on the 8th of December, as follows: And again appeared Mr. George F. Masterman to ratify the deposition he had made and in presence of F. M. Ramsey, commander in the American navy, W. A. Kirkland, lieutenant on the gunboat *Wasp*, who were sent by Rear-Admiral C. H. Davis, commander of the South Atlantic squadron of the United States navy, and before the undersigned, notary public, confirmed all he had said as the truth.

G. F. MASTERMAN.

In testimony whereof we put our hands and seals to the above instrument.

JUSTO ROMAN.

FIDEL MAIZ.

FRANCIS M. RAMSEY.

W. A. KIRKLAND.

DONATO GAMARA, *Notary*.

CAMP AT PIKYSRY, *December 9, 1868.*

Depositions of Porter Cornelius Bliss.

[Translation.]

On the 17th September he declared as follows:

It is true he knew of the revolution and took part in it; and he proceeds to state how he was induced to engage in the infamous conspiracy.

The first time Washburn came here as minister, which was before the war, he was indifferent to Paraguay; but he soon began to hate the country because he did not succeed in getting the late President to recognize the old Hopkins claim, amounting to a large sum of money.

It was by the influence of the Hopkins Company that Washburn was first appointed minister to Paraguay; he had instructions to prosecute the Hopkins claim, and he brought Bond, the agent of the company, along with him. When Washburn found out he could get no money out of the Paraguayan government, he conceived a hate for the late President, and blamed the present marshal for influencing his father to reject the claims.

Washburn had a difficulty with the late President about a passport to visit some distant provinces, which was refused him. He then wrote to the minister of foreign relations, and tried to break off diplomatic relations, as he confessed to this deponent. This fact is mentioned to show the quarrelsome nature of Washburn, who tried to create international disturbances for so slight a cause. The passport affair was afterwards settled amicably.

About a year before the war the President requested Washburn to send to the United States and purchase for him samples of the best fire-arms and implements of war, for the purpose of equipping the national army.

Washburn undertook this commission and received several thousand dollars on account; but, under pretence of writing for his American agent, who would soon reach Buenos Ayres, as he said, he delayed the business for many months.

In January, 1865, when he left Asuncion for the United States, he took an order on Felix Eguzquiza, Paraguay consul at Buenos Ayres, for several thousand dollars, which he said his agent used in the United States to purchase the arms; and he told deponent he drew one thousand dollars over the sum spent for the arms. The arms did not come, and thus Washburn caused the government to lose a precious year, in which time the arms could have been purchased in this market. When he took leave of the President to return to the United States, he spent two hours with him and promised to do wonderful things for Paraguay; but we never heard of his promises afterwards. The President also asked him to see Candio Bareyro, the Paraguay minister in London, on his way, and make a true statement of the situation in prospect of a war with Brazil. Washburn did execute this commission, but in a very singular way; a commission for Bareyro, as minister to the United States, was given to him to deliver to its address; on the delivery, he advised Bareyro not to go to the United States, because he could do nothing there, as he knew by his official correspondence with the government. Thus advised by Washburn, Bareyro did not go on his mission.

When Washburn started home, he did not intend to return to Paraguay, but expected to get some better position, more to his taste; but President Lincoln's sudden death depriving him of that hope, he had to come back to Paraguay. Finding himself compelled to do this, he delayed as long as he could, making favor with both sides, so as to serve his designs.

When he got back to Paraguay the second time, he pretended to be very angry with the allies for detaining him, and boasted that he had to run the blockade. While encouraging the government of Paraguay, he told his friends that it would soon be destroyed by the superior forces of the allies. He often expressed contempt for the Brazilians, and said any other nation would have conquered by this time. Every day he would exclaim, "What in the devil are those Brazilians doing that they do not advance?"

During the six or eight months that he delayed down the river, he received four thousand dollars a month from Octaviano, by arrangement with Polidoro, to detain him as long as the allies desired. This agreement was with the consent of Bartolomé Mitre, then commander-in-chief of the allied armies; but as he had no funds, he was a silent partner, and let the Brazilians operate with their money.

The six or eight months that Washburn staid was just the time reckoned by the Brazilians for the conquest of Paraguay; but the series of disasters like those of the 24th of May at Roque creek, the 11th of June at Yataitycora, 18th July at Sauce, and 23d September at Curupayti, producing a necessity for a new levy of troops, and the command being given to the Marquis Caxias, all that time was lost.

Now the Emperor thought it was time to try some intrigue inside of the republic, and he justly supposed Washburn would be more useful to him within the republic; therefore he gave contradictory orders to Admiral Tamandaré: one was not to let Washburn pass under any circumstances; the other to pass him willingly, but under public protest.

Tamandaré came to see Washburn on the American steamer, and to make the protest; and it was arranged that he should go up to Paraguay by force, pretending much sympathy for Paraguay and a corresponding hatred for the allies.

As soon as Washburn reached this republic he began to talk and act to produce a compromise with the enemy, and thus put an end to the war. For this purpose he pro-

posed to act as mediator, and said General Mitre was a perfect gentleman, and would certainly see that favorable terms were offered to Paraguay.

When Mitre was called home to attend to a rebellion in his own country, and Caxias had taken command of the allied armies, Mr. Washburn continued to labor for a compromise with the enemy, and in March he actually went to the enemy's camp to seek an interview with the commander. In his journey by boat to Pasopucú, Washburn was accompanied by Benigno Lopez, to whom he made great boasts of his offers of mediation.

During that visit Caxias made a serious impression on Mr. Washburn, showing him the important positions of the allies; while Washburn told him all about the situation of the Paraguay forces, under cover of overtures of peace, and advising him to extend his lines so as to surround the Paraguay encampment; and at the same time counselled him to send ten thousand men over the Tebicuari at Caapucu, and capture the capital in the rear. Caxias said he knew it could be done, but said it was best to advance cautiously and prepare the people who were disposed to take an active part in the revolution.

After that Washburn frequently said the situation of the national forces was desperate, and that they would soon have to give up. In this he was seconded by Mr. Cochelet, the French consul. They exaggerated the activity of the enemy, and told of railroads to be built from one point to another as if by miracles.

About a year ago, when Cochelet left the country, he took many letters and packages for persons on the La Plata river, some of them ministers, and wrote to Washburn, telling him he had spent four days conferring with prominent men about the prospects of the revolution, and there were thousands of refugees in Buenos Ayres who were ready to aid it.

Cochelet also carried letters from Washburn to Edward Hopkins, ex-American consul at Asuncion, and president of the company that had urged Washburn's appointment as minister to Paraguay, for the purpose already mentioned. Hopkins is now in Buenos Ayres operating against Paraguay, and is a great favorite with the allies. He has made a considerable fortune by contracts with the government, and commissary business with the allied armies. He owns two or three steamers which he employs as transports for the allies. His great expectation seems to be to revive the company claim against the government of Paraguay; and the allies have promised him it shall be paid when Paraguay is conquered. Hopkins, therefore, is Washburn's chief accomplice in the attempt to overthrow the government of Paraguay. Hopkins is also in correspondence with the conspirators in Asuncion, through Washburn.

Speaking of José Berge's declarations, referred to officially by the minister of foreign affairs, mentioning the interviews and conversations about the revolution, Washburn was surprised at their truthfulness, and gave utterance to this sentence:

"Berge must have a devilish good memory, or he must have taken notes at each interview, to remember everything so minutely and cite so correctly as he has done."

Deponent says when Washburn got the note from the department, asking for Berge's papers deposited with him, he tried to find a place in the house to hide them in, for he expected the house to be searched next day; but failing to find a secure place, he spent much of that night in his office alone, destroying Berge's papers and all others he expected to be called for.

He says the declarations of Benigno Lopez were mostly true, particularly that about the sum of money received, and of conversations about a change and form of government, the French consul, the interview returning from Fidanza's house; and he says the declarations of the others were substantially true.

So, whenever he received a note from the minister, he confessed its truth and acknowledged its justice, but said he was obliged to deny everything.

Among the persons sheltered at the legation, José Pereira was received on condition that he was to be given up in case a demand for him was made. When Carreras and Rodriguez, of Uruguay, were demanded, authors on the law of nations were consulted upon the right of asylum, and finding nothing in their favor, a consultation was held to determine what was to be done in their case. Washburn was inclined to refuse to deliver them up, if demanded. To settle it they told Washburn that if he would promise to remain in the country till the war was over they would stay at the legation, for the government would not force them away; but if he intended to leave they would give themselves up if demanded.

Washburn was sorry to see them leave, not only because he liked them, but because, if examined, he was afraid they would disclose some of his important state secrets.

When deponent and Masterman were demanded a second time, Washburn refused to give them up, and said he had a right to protect them, though they proposed to deliver themselves up; and he said, moreover, it was his duty to protect them, because he led them into the trouble, and if they were tried it would be found out that he was at the head of the conspiracy.

Deponent first perceived Washburn's ill will to Paraguay after his visit to the enemy's

camp in March, 1867; he then saw that Washburn had sold himself, body and soul, to the allies. Not long after that visit Washburn asked him to translate a note from Caxias in reply to his offer of mediation. The note was a rejection of all negotiations for peace. Several times after Washburn would ask him the meaning of certain Portuguese words without telling him why he wanted to know; but he found out that they were in a letter from Caxias the year before, telling Washburn what to do for the benefit of the allies. The letter also expressed the satisfaction with which Caxias received the reports of Washburn's labors for him, and advised him to engage those nearest the government, as most effective and less to be suspected; though no names were mentioned, it was evident the letter referred to Benigno Lopez, José Berges, and Saturnino Bedoya.

Deponent was not certain of the existence of a conspiracy till the enemy advanced to the river, a short time before the iron-clads forced the pass of Curupayti. The news of the advance filled Washburn with joy, and he exclaimed: "Now we will soon see the end of the war, for this is only the first step of a series that is to follow!" Meaning, of course, that this was the movement he had suggested to Caxias at the time of his visit.

Caxias informed Washburn of the advance his squadron was to make on the 15th of August, and of other movements, that did not succeed on account of the disaster at Humaita.

About the same time Washburn informed deponent that the war was to be ended by a triple simultaneous movement; the squadron was to come up, a column of the allies was to cross the Tebicuari near Caapucu, and march to the capital by way of Paraguari; and finally, the conspirators were to arise. Washburn charged deponent to keep this secret, as it would compromise him if known, and said all the foreigners were to form in companies for the pretence of protecting their property, but in reality to receive the invaders and aid the revolutionists.

As the Brazilian column did not march, nor the steamers come up, Washburn was disappointed in his machinations; so he next sent to Mr. Gould, secretary of the British legation at Buenos Ayres, a plan of pacification to be proposed to the belligerents, thus hoping to attain by strategy what he could not do by force of arms, viz: to get Lopez out of his way. The negotiations lasting more than a month delayed the revolution, and it was put off till the enemy's vessels should arrive in front of the capital, or a column come in the rear by land.

This plan was also frustrated by the evacuation of the capital, and defeated the hopes of the revolutionists. National forces were sent to the Tebicuari to prevent Caxias's column from ascending by that way. Another plan was to evacuate Humaita on the 24th of June, under pretext of want of supplies, but in fact to deceive the Paraguayans, and give a chance to the revolutionists in the temporary capital of the republic. This too was defeated by a discovery of the conspirators.

Washburn received his passport on the 5th instant, and finding that deponent's and Masterman's names were not in it, and fearing his government might hear of the mean conduct of one of its ministers in the country to which he was accredited, he ordered deponent to write letters in his defense, and to prove his innocence. During that day and the next, deponent wrote three letters for that purpose; one addressed to deponent's father; another to a paper in New York; and the third to a protestant preacher in Buenos Ayres, who was a correspondent of another New York paper.

Washburn busied himself last year making up a history of Paraguay; but not having sufficient information, and wanting capacity for it, he thought proper to steal deponent's books and papers to help him out in his literary labors. This feat occurred on the 12th of September, while deponent was sick in bed, and given over by his physician.

When deponent recovered, he found himself very poor; for, during his illness, his money and everything valuable were stolen from the house, and he was compelled to accept Washburn's hospitality, and work for him to pay for it. His business was to compile historical data of Paraguay, for fifty years back, for Washburn's proposed work. Washburn particularly charged him not to take accounts of late battles from the official papers, unless he was certain of the facts; for he intended to give a mutilated history, full of his own vague fancies, and unjust criticisms. For this work Washburn agreed to give him three dollars a day, in paper money, when the *atacon* was worth four paper dollars, thus imposing upon him, and taking advantage of his necessities, when he knew he had no other way to live, and was compelled to serve an ungrateful man who would not listen to reason.

Here is a copy of deponent's letter to Mr. Washburn, asking for his manuscripts:

"SEPTEMBER 11, 1868.

"SIR: Now that I am out of your power, I will tell of the important part you took in the revolution, and how you inveigled me and many others into it. I have said you were the soul of the rebellion, and though I regretted to mortify you so much, how could the truth be concealed, when you continued your machinations up to such a late date? Therefore I consider myself no longer bound by the promise you forced from me yester-

day in your office, not to tell anything you had done, at any time, against the government. Your big speculation with the Hopkins Company, in which you were to pocket over \$100,000, has leaked out, as well as the golden pill Polidoro and Octaviano gave you to swallow, and the gold bait offered by Caxias, when you went to see him at the encampment, last year.

"The object of this letter is to ask you to give to bearer my historical manuscripts, which I engaged to write for the government, and which you took from my room while I was sick.

"As you know, they will make a voluminous history of Paraguay up to 1810; and there are also over two hundred pages of notes in Spanish, on subsequent events, and a chronology up to the present time.

"You will also have the goodness to send me the three letters you compelled me to write in your defense; one to the *New York World*; another to William Tell Goodfellow, in Buenos Ayres; and the third to my father, Henry Bliss, in New York.

"As the truth is now out those letters can be of no use to you, for they are false; and you need no longer wear a mask of hypocrisy; and in honor you ought to comply with this request.

"I don't ask for the English manuscripts you made me write against Paraguay, for they are your property; but I advise you not to deny what now is so plain.

"Yours, respectfully,

"PORTER C. BLISS.

"Hon. CHARLES A. WASHBURN,

"United States Minister Resident."

The above letter, sealed, was sent to Captain Kirkland, commander of the gunboat *Wasp*, to be delivered to Mr. Washburn, who was on board.

Here is the note to Captain Kirkland:

"SEPTEMBER 11, 1868.

"SIR: You will find inclosed a letter for Mr. Washburn, asking him to return some important manuscripts of mine, which he fraudulently took possession of, and some apocryphal letters he forced me to write to prove that his acts were neutral, and show he was a friend to Paraguay.

"I beg you will delay your departure till Mr. Washburn can have time to comply with this request. I take the occasion to offer you my respects.

"Yours, &c.,

"PORTER C. BLISS."

The letter to his father is as follows:

"PARAGUAY, September 11, 1868.

"MY DEAR FATHER: I consider it my duty to inform you that the letter you will receive through Mr. Washburn, dated the 5th instant, is entirely false in its contents, as it was written by order of Washburn, with a view to vindicate him from the accusations of conspirators, who gave truthful evidence before the courts. He wanted to publish the letter for his justification, when the truth of the matter is, Mr. Washburn was not only the head of the conspirators here, but has led me into it. I have sincerely repented, and now place all my hopes in Marshal Lopez's magnanimity. I have written two other letters under duress; one to the *New York World*, and the other to William Tell Goodfellow, of Buenos Ayres. I have not time to contradict them publicly at present.

"Do not believe in what you find in those letters; on the contrary, Washburn's conduct has been most infamous, and I hope you will make this retraction public.

"Your affectionate son,

"PORTER C. BLISS.

"HENRY BLISS."

On the 12th day of September the evidence was as follows:

The United States gunboat *Wasp* was sent from Montevideo, through the agency of Edward Hopkins and Baron Souza, Portuguese chargé and consul to Paraguay, under pretence of bringing Washburn and his family away from the country; but, in reality, to carry the latest news to the conspirators. For a long time previously Washburn had not received a single dispatch from his government, much less an order to leave the country. Washburn did not want to leave the country at that time, nor to send his wife away; the only business of the *Wasp* was to bring news to the conspirators and let them know when to organize the revolt. Caxias's opposition to the passing of the *Wasp* was only a pretense to conceal the real object of the voyage.

When Washburn went to San Fernando to send for the *Wasp*, all he did was to order the commander not to come, because he (Washburn) did not want to leave just at the time his hopes were about to be realized; consequently, when the French consul tele-

graphed from San Fernando that the Wasp was coming, Washburn sent word back to the commander to go down the river and return in three months, when he thought the war would be over; so when Washburn asked permission to go to San Fernando, it was not to see about the Wasp, but to make arrangements for the outbreak of the revolution.

In his note of the 12th or 13th July, in reply to one ordering refugees out of the legation, Washburn said he wanted to send his wife to Buenos Ayres for her health. This could not have been the truth, for Mrs. Washburn was then in as good health as she is now; all that Washburn wanted was to give his friend, the Marquis of Caxias, notice of the situation, for time was now passing and Washburn was tired waiting for the finale of his drama.

The only answer to this extravagant and undiplomatic request was a telegram from Benitez, in these words: "Much obliged for the request to send your lady to Buenos Ayres." Washburn saw that his designs had not escaped the penetration of the government, and he regretted having made the request.

When Washburn visited the President at San Fernando, he told him that Dr. Carreras had inherited a large fortune from an uncle in Bolivia; that he was favorable to the national cause, and could influence the Pacific republics in favor of Paraguay if Lopez would let him off. The truth of it is, Carreras was not allowed to leave, because it was known that he was implicated with Washburn in the revolution. Washburn took a great dislike to Cuverville when he first arrived, and the hate was returned with usury. Cuverville was acting French consul, and differed much from his predecessor, Cochelet, who was Washburn's bosom friend, and hated Paraguay. Washburn thought it was Cuverville who denounced him to the authorities, and told of his conspiracy to overthrow the government; and for that reason called him a *scoundrel*, and, another time, a *beast*. Deponent thinks Cuverville is a gentleman and man of honor, and that Washburn is *vulgar*, in every sense of the word.

At this juncture, deponent received Washburn's reply to his letter of the previous day, asking for the manuscripts left with him. The letter was in English, on a coarse piece of paper, in these words:

"UNITED STATES STEAMER WASP, September 12.

"I have nothing belonging to you in my possession. Please deliver the inclosed to Marshal Lopez, also two letters to Doctor Carreras.

"Yours, &c.,

"C. A. WASHBURN.

"P. C. B."

The deponent then continued thus: When Washburn returned from San Fernando, he said his reception by the marshal was not very gracious, and the visit was worse than useless, for it did no good for Carreras, nor for Manlove; and he was sure Cuverville had informed on him, before Benigno Lopez joined the army.

Washburn told deponent that Cuverville spoke imprudently about important affairs, such as change of government, and candidates for the presidency; which he would not have done if he had resided longer in the country, for then he would have learned to hold his tongue.

Washburn finally tried to make friends with Cuverville, though he professed to hate him so cordially. When he received the official note of the 31st of July, and which was published in the *Semanario* of the 1st August, was sorry that he had called Cuverville a mean, impolite, and unreliable man.

Cuverville demanded satisfaction for this abuse from Washburn, who denied using the words, though he remarked to deponent that the epithets were too mild for the Frenchman's meanness.

In the same apologetic letter he invited Cuverville to come to town and see him. He wanted to learn from him what was going on in Luque. Cuverville did come to see him, and their conferences must have been very interesting since neither deponent nor Masterman was allowed to be present.

Finding out that the conspiracy was discovered Washburn exhibited a feverish impatience to quit the country, though he had not expressed the desire to do so before. Day after day he sighed for the return of the Wasp. This uneasiness worked so much upon him that he gave up all his friends and left in the legation a quantity of boxes and trunks, without marks to identify them, belonging to persons who had no other property in the world. In two days he could have given up this property to the owners; and he knew that some of the trunks contained papers of persons implicated in the conspiracy, and if they fell into the hands of the authorities it would put him in a hornet's nest.

Here is Washburn's insulting letter to President Lopez.

"UNITED STATES STEAMER WASP,

"Near Angostura, in the Paragura River.

"SIR: As Captain Kirkland was leaving this vessel yesterday, to take leave of you, I gave him a memorandum of certain things to which I begged him to call your atten-

tion. Captain Kirkland informs me that on arriving at your headquarters he found he had forgotten to take the memorandum with him, and, of course, could not fully comply with my request, as he had only glanced at the paper. In consequence, at the moment of starting, I take the liberty to deviate from diplomatic usage and send you a private note. I suggested, in that memorandum, that I could show you a letter from General Webb, our minister at Rio, from which it would appear that he came near having a rupture with that government, because it refused to let this vessel go above the squadron. He did this on his own responsibility, without waiting for orders from the United States, which, on hearing of the outrage, would certainly have taken most energetic measures to secure its rights by force, and save the minister from a very unpleasant situation.

"That letter, which you saw, proves what truth there was in Berge's assertion that I was in connivance with General Webb, and in the interest and pay of the Brazilians. I have several letters for Doctor Carreras which I requested Captain Kirkland to deliver, but he refused unless I opened them, lest he also might be accused of favoring a treasonable correspondence. Therefore I send the letters myself, as I think there is nothing of treason in them, and I do not think any treasonable letters have ever passed through my hands, to or for anybody. In fact, I do not think there has ever been any conspiracy. The declarations of Berge and your two brothers Venancio and Benigno, implicating me in the conspiracy, are entirely false, and you know it, and you also know that they would never have made such declarations if you had not forced them to do so. You know very well that assertions of that kind will have no force outside of Paraguay. Nobody will believe a word of them, for they can be proved to be false; you ought not to kill the persons that made them, but the persons who forced them to be made.

"Before quitting Paraguay for good, it is my duty to protest against the arrest of Porter C. Bliss and George F. Masterman, members of my legation. Their arrest in the street, while going with me from the legation to the steamer, was as previous a violation of the law of nations as if they had been taken out of my house. It was not only an insult to my government, but an affront to all civilized powers, and places Paraguay outside of the family of nations, and for that act you will be looked upon as a common enemy that refuses homage to the law of nations. You will also be considered a common enemy for imprisoning all foreigners in Paraguay and putting them in irons, and then going into their houses and taking their money, under the contemptible pretext that they had not paid taxes and had robbed the treasury.

"The threat you made to Captain Kirkland on his arrival, that you would imprison me, will be duly reported to my government, and I will only repeat his reply to you, that if you did so my government would have hunted you, not only everywhere in America, but over all Europe.

"Your obedient servant,

"CHARLES A. WASHBURN.

"H. E. Marshal LOPEZ, *President of Paraguay.*"

On the same day, 13th of September, the testimony was as follows:

The correspondence between the revolutionists and the enemy was chiefly addressed to Caxias, as he knew all the plans; but other letters were addressed to Baron Souza, and Washburn generally wrote to Hopkins.

One reason why letters were sent to Souza was, that they could pass for official dispatches between the Baron and the Portuguese consul and vice-consul in Paraguay, and they generally went under a flag of truce. Thus was the treasonable correspondence carried on without exciting suspicion. Sometimes individuals living in the country carried packages by land by Caapucu, to the enemy's advanced pickets in that region. This mode of correspondence was managed by natives in favor of the revolution, but employed by the government; in that way the communications of Berge, Benigno Lopez, and Bedoya were carried. After some of the above joined the army, Colonel Venancio Lopez sent communications to them in that way, when he was induced to join the conspirators by Washburn.

Washburn acknowledged to deponent that many of the papers he destroyed in the night of the 23d and 24th of July last belonged to José and Miguel Berge, to Saturnino Bedoya, to Benigno and Venancio Lopez, and he believes the other papers destroyed by Washburn belonged to other conspirators.

Deponent has a personal knowledge of all the correspondence from persons at the American legation with the enemy; but he can only give hearsay evidence of other correspondence through Washburn. He saw Caxias's letters to Washburn, and helped to answer them. Carreras told him of letters from Caxias to him; and of letters written to Baron Souza. Carreras was the bitter enemy of the Brazilians, and dreaded to fall into their hands. At the suggestion of Washburn, he wrote to Caxias, offering to join in the conspiracy, if the Brazilians would spare his life when they entered Asuncion; and to show his sincerity he began by giving Caxias details of the situation, and suggesting movements for the capture of the city.

Caxias not only agreed to pardon him, but promised to reward him for his services to the Brazilian cause. The part that deponent took in Washburn's correspondence with Caxias was to furnish geographical and historical information, as Washburn's ignorance and laziness incapacitated him for the task. Washburn often asked deponent how far it was from such to such a place, for instance, from Humaita to Tebicuari, &c., &c., and made inquiries about the condition of the roads and streams; and deponent answered with the map before him.

With other information communicated by Washburn to Caxias was that most of the persons that had protested against Brazil, at the beginning of the war, were now ready to aid the allies, if they were assured of success.

Washburn's firm belief was that the allies would succeed sooner by a forced movement on the capital by way of Encarnacion, and he never ceased to urge it upon Caxias. This is meant when he advised him to extend his lines to the Paraguay river, when he visited him in March, 1867. Washburn said he knew nothing of military strategy, but, from the maps, that was the most practicable plan. He also told Caxias that the people in Paraguay were tired of war, and would help him to end it, no matter in what way. Caxias did not approve of Washburn's plan, because of the disasters at Belgrano, but he promised to send ten thousand men from their post on the Parana towards Caapucu. He did send a few forces in that direction, but effected nothing by it; and of course Washburn was greatly disappointed. In ill humor at the result Washburn wrote these words to Caxias:

"The Brazilians do not deserve victory, for they have shown a pusillanimity unworthy of human beings."

He declared that a Yankee army, under similar circumstances, would have finished the war in fifteen days; that French or English soldiers would have ended it in one month; Spanish or Italians, in a couple of months; Chaco Indians or Hottentots, in three months; monkeys, in one year; but as Brazilians were fighting it, they might finish it in three years!

This letter naturally displeased Caxias, yet he apologized for his failure by saying it was only a reconnoissance he intended by the movement. His present intention was to reduce Humaita, and that he intended very soon; afterwards, with the squadron, he intended a flank movement upon the capital, and Mr. Washburn would soon have his hopes realized.

The letters written to Caxias, at this time, were from Doctor Carreras, Venancio, and Berges, and Mr. Washburn was the bearer of them, under cover to Kirkland, commander of the Wasp, telling him the package only contained a protest against his detention of the Wasp.

On the 10th of June Captain Kirkland wrote Mr. Washburn that he was ready to start for Buenos Ayres, and sent him a letter from Caxias, exhorting the revolutionists not to lose patience, for he would certainly be up the river by the 24th July, the day fixed for the surrender of Humaita.

Deponent believes Captain Kirkland did not know the nature of the correspondence that was passing through his hands.

When Washburn received the note of the 4th denying passports to deponent, Masterman, and Baltazar, a servant, he did not know what to do, for he knew as soon as he left those three men would be put in prison. Deponent knew he would report the case to his government, but he also knew Washburn was afraid to do anything there.

Two days before Washburn left he telegraphed the French and Italian consuls to come and see him; that he was about to leave, and was at their service. On the 9th these gentlemen came into town, and remained with Washburn, as his guests, till he started. Mr. Chapperon, the Italian consul, accepted the keys of the house in which Washburn lived, and promised to take care of the money and valuables deposited in the house.

The two consuls then spent a few hours in the Italian consulate writing letters to their respective governments. Washburn took charge of the letters and four or five bundles of different sizes, which deponent saw placed in his hands.

As deponent had no conversation with Washburn at the time, he does not know what he said to the consuls about the conspiracy.

Finally, deponent and Masterman left the legation with Washburn, were arrested in the street and taken to jail.

In explanation of his declaration about the signers of the protest, on the 30th August, deponent says Washburn had a list of them made out to send to Caxias, in order to show him what changes had been made in his favor.

On the 14th the deponent continued his testimony as follows:

Washburn got all the information he could, particularly from José Berges, who was then minister of foreign affairs, for the purpose of sending it to Caxias. One day, in answer to the question where the national troops would go if forced to quit the Tebicuari, Berges told him to Villeta and Angostura, as the last was the best place for a battery to keep the iron-clads from coming up the river, and Washburn immediately

reported it all to Caxias. Washburn also informed him that the Paraguayan government was building houses at Tobati, with the intention of making it a point of defense.

Washburn inquired all about the military arsenal in the city; about the cannon foundry at Ibicuy; the manufacture of war munitions; about the search for nitre in different parts of the republic; and about the gunpowder factory at Velenzuela. He got this information from the English workmen at the arsenal, the foundry, and the powder factory. Deponent will not say the Englishmen knew what use Washburn was going to make of that information.

Washburn was much frightened at the intimation, in the *Semanario* of the 25th July, that Asuncion would be burned like Moscow, in 1812, when Napoleon I was approaching it, because he was afraid he might lose something by it, or be obliged to go out to Luque, or some other place, as a temporary residence; and he often said he would not quit the capital under any circumstances.

Washburn said if he was not then so busy with the Paraguayan government on other important points, he would make a protest against the burning of Asuncion that would make a famous echo in the world. He told the Italian and French consuls it was their duty, in the interest of their countrymen, to protest against it; and if it were done, he said he would make it appear to the world as the greatest act of barbarism committed for a century. There were not the same circumstances to justify it like the burning of Moscow, of which it would be but a puerile and ridiculous imitation.

Washburn did his best to find out the telegraphic news, asking the director, Tramfelo, constantly what was going on in front. He got no satisfactory answers from the wily official.

The last information Washburn communicated to Caxias was, that the Paraguay army was only fifteen thousand strong, including sick and wounded, and that it could not be increased, for the cradle and the grave have been robbed to fill up the ranks.

He also wrote that Lopez was afraid to trust his best men, and had actually imprisoned all the Englishmen and other foreigners, except Drs. Stuart and Esquier, from which he inferred they were dissatisfied with their situations, or were tired of the war, and would readily favor any plan to change the administration or put an end to the war.

Washburn often sent numbers of the *Semanario* and the *Cabichui* to Caxias, particularly those containing reports of political meetings, and engravings, and sarcastic articles about Caxias. He wrote thus:

"I send you some witty papers for your amusement and to show you how a great general of the allies is treated by the papers in Paraguay."

He also said of the patriotic speeches that appeared in the *Semanario* that they were got up for the occasion by professional orators, and did not express the sentiments of the people. Dr. Boca, for instance, had written more than five hundred speeches for such occasions, and they were all just as like as coins from the same mold, and the same soup was served every Saturday from the *Semanario*, viz: praise of Lopez. Its columns were devoted to the praise of the government, and nothing could be discussed if not in laudation of Lopez.

In fact, Washburn ridiculed the government to all his correspondents.

On the 15th the evidence was as follows: Deponent confesses having signed a document, with ten others, at Berges's house at Salinares, to concert with the commanders of the allied armies to bring about a revolution against the national government. He acted as secretary to the meeting and drew up the secret pact sworn to by the conspirators present to take Lopez's life. The persons that assisted him in drawing up this document were José Berges, Benigno Lopez, and Antonio Carreras. The document was engrossed in a fine, clerkly hand, and to the best of his recollection was as follows:

"We, the undersigned, citizens of the republic of Paraguay, and strangers residing therein, having good reasons for desiring a prompt termination of this long and bloody war that is ruining the country and destroying the male inhabitants, and believing it necessary to select competent persons to bring about a radical change in the system of government by putting out of the way the only obstacle to the accomplishment of this, and having the consent of the allied enemy, we bind ourselves mutually to work together to effect a change of government and choose a new chief magistrate, and if it is found necessary to resort to violence to rid ourselves of the President of the republic, we also obligate ourselves to do so, after trying other means to effect the same end. We swear by our word of honor upon the holy evangels, to aid each other in whatever is agreed on by the majority of the signers, to realize the design already expressed, and to keep the secret of this conspiracy upon the pain of death. In faith whereof we have signed this pact in each other's presence. Dated at Salinares, November, 1867, (about the middle of the month he thinks.) Signed by Benigno Lopez, José Berges, Saturnino Bedoya, Antonio Carreras, Francisco Rodriguez Sarreta, José Maria Leite Pereira, Antonio Vasconcellos, Simone Fidanza, M. Libertat, Domingo Ponié, Porter Cornelius Bliss."

Manlove did not come in time to sign.

After the signing of the above document, another was drawn up as a constitution for the country after the first project was executed. It was signed early in December by Carreras, Rodriguez, and deponent, at the house of Benigno Lopez, in Asuncion. Conferences were held at the house of Carreras in Trinidad, at Berges's office, and several other places, before it was finally adopted.

Deponent drew up another paper on police regulations, which was agreed to by his accomplices, but it was not signed by them. It was left with Washburn for safe keeping, or to be destroyed in case of danger. These are the only documents the deponent drew up and signed, but he heard of another made out by the revolutionary committee and signed by Berges, Bedoya, Benigno, Carreras, and Rodriguez, before the other papers mentioned.

All the deponent heard about a previous plan to assassinate Lopez, he got from Carreras and Martinez, an Argentine colonel who lived in Paraguay. The Saa committee, composed of Martinez, Costa, Lucero, and Guaicochea, was sent from Bolivia to offer their services to Paraguay; but failing in that, they conceived the idea of murdering Lopez, so as to gain the good will of the Argentine government, and thus open a new field to their adventures.

On speaking of the assassination conspiracy to Washburn he pretended not to believe it, and said if any one could be hired to do the act, it would be that Argentine butcher Mendocino—for that's the epithet he applied to that leader—or Coriolanus Marquez.

In his replies to official notes from the department of foreign affairs, Washburn often said that he had received no letters by the Wasp, except for Vasconcellos. This was not true, for deponent knows he received letters for Berges and Venancio Lopez from Caxias; and when asked by deponent why he made the misstatement, he said he was not under oath before a court to tell the truth.

That letter of Caxias contained a proclamation to be used when the insurrection should take place, urging the people to put down Lopez, the plague of the country, and welcome the allies that would insure them peace and prosperity.

Washburn took the package from Caxias to Vasconcellos himself, and when opened it was found to contain a letter for Carreras, which Washburn also delivered in person. Deponent does not know what that letter was about; nor does he know what the one to Venancio Lopez contained.

For his services in the conspiracy deponent got 5,000 patacones from Benigno Lopez, at one time, and on three other occasions \$5,500 in paper money, which he thought came out of Lopez's private property, but found it came from the national treasury, which was the banking house for the conspiracy. Deponent learned this from Washburn, who had received large sums of money on account from the same source. This was found out after the evacuation of the city. Washburn also told him that Carreras and Rodriguez had received money for their co-operation in the contemplated conspiracy.

All the money received by deponent (except \$800, his expenses up to the time of his imprisonment) was deposited with Washburn, to be taken to Buenos Ayres and deposited in Mana's bank there, subject to deponent's order.

Washburn acknowledged to deponent that he had received large sums of money from Benigno Lopez to pay the conspirators. Deponent saw two women carrying the money in covered baskets on their heads to the legation more than once. All this money, with much more belonging to Carreras, Rodriguez, and others, was carried away by Washburn to be deposited for the owners in Buenos Ayres.

On the 16th the testimony given was this:

Deponent heard of the surrender of Humaita from Washburn, who had a letter from Caxias, dated the 10th of June, informing him that the surrender was agreed upon for the last of July with the chief officers, Francisco Martinez, and Remigio Cabral, called admiral of the Paraguay navy. Deponent thinks a letter came at the same time from Caxias to José Berges, announcing the same event.

On the 19th deponent continued his statement thus:

He often heard Washburn say that Vicente Barrios was the worst man in the republic, and that he was longing to get into the President's boots—meaning to take his place in command—and if he were put out of the way by a ball, or in any other manner, Barrios would certainly assume the supreme command. Francisco Rodriguez Larreta used to speak in the same way of Barrios, but said it would be much worse for the people if he got into power.

In September or October, when it was reported in the capital that General Brugges, Commander Marco, and another officer were shot, Washburn attributed the arrest of his German friend, Emil Neumann, to his circulation of the report, and said it would be nice if Neumann turned out to be a prophet, and Brugges was proved to have belonged to the conspiracy. The French consul, Crochelet, was the first to circulate the rumor. When Gumesindo Benitez came to Washburn, on the 26th July, to get a package for Berges, Washburn said he was confused, and evidently did not understand the part he was to play; for he spoke rapidly in a low tone, with his eyes fixed on the ground, and his continued assertion was—we know everything. Washburn also said his friend Gumesindo was no more secure in his shoes than Berges was, but he forgave him the trouble

he had given him for the last month, seeing he was forced to act as he did. He said Fernandez was the best man for the war department, because he had made his *pile* while managing Lopez's private property; and when an opportunity offered, he would act cordially with the revolutionists.

Deponent corrects his statement that he only heard of the treasury money after the evacuation; he now remembers that he heard of it in October. About his own connection with the conspiracy, he says: Early in October, after a hard spell of sickness, while he was working for Washburn at a low salary, he was sent for by Berges, who was then minister of foreign relations. Berges pretended much friendship for him and said he was sorry for him, and regretted that his work on national history had been interrupted for a year, and that he had received nothing from the national treasury for his labor; and he wanted him to resume the work. Deponent asked if this was from Lopez. Berges said no, but he had the power to make the proposal, and to pay for it out of the treasury; and added: "Go to the treasury now, and I will send an order to pay you \$300 down." Deponent then went to the treasury, where he met Saturnino Bedoya with a paper in his hand, which he gave to Felipe Milleres, saying: "Draw up a receipt for \$3,000 in favor of Cornelius Bliss." Milleres looked at the order, and said: "This is for \$300, and not for \$3,000!" "True," said Bedoya, looking at the paper again, "it is only \$300, but it might as well have been for \$3,000." Then Bedoya asked: "To whose account must it be placed?" "To the account of the department, of course," replied Berges. Then deponent said: "Let it be stated in the receipt that the money is for literary labors."

Some days afterwards, speaking to Washburn about this, the latter said he was very long finding out what character of persons Berges and Bedoya were; deponent ought to know that all the money in the treasury was at their disposal, but for peculiar services, different from those deponent had previously rendered. Washburn then advised deponent to see Berges again. This was done, and deponent entered personally into the schemes of the conspirators.

Speaking of the arrests, Washburn said Lopez would gain nothing by them, for Fernandez was commander in the city, Gumesindo Benitez and Bernardo Ortollado at Luque, and affairs would yet be well for the revolutionists, particularly if Caxias made the contemplated movement. He did not mean to say that the Vice-President was concerned in the conspiracy, for he was a nothing, a mere cipher at the left of a figure, as he expressed it. When the Wasp arrived the second time, about the end of August, Washburn said if it brought any letters for Caminos he would not deliver them, because the government had complained of him as bearer of treasonable correspondence to public officials.

In November, 1865, when Washburn passed through the enemy's squadron on his way to Paraguay, he learned that a counter-revolution was preparing at Asuncion, and when he arrived there he found it to be true.

About the last of August, while deponent was at the American legation, a servant girl, named Lubia Rivas, said to Mrs. Pereyra that the soldiers guarding the legation had said that the bishop advised the President to treat with the enemy, because much blood had been shed, and the people were tired of war; and Mrs. Pereyra told this to Washburn, Masternan, and deponent.

Washburn used to say the bishop was a man well versed in all sorts of intrigue; that he made money by selling the secrets of the confessional; called him a spy and detective; and was the worst adviser the President could have in this war.

On the 4th of October the examination continued as follows:

When Fidanza asked deponent about Cuverville, the French consul, he said he had broken with the government, on account of the imprisonment of so many French subjects, and he and the Italian consul had written to their governments on the subject. To which Fidanza replied, "I have much confidence in Washburn."

When Berges heard of Washburn's departure, he said to deponent, "So Washburn is gone! Was he in a good humor?" Deponent said he thought not. "Well," added Berges, "What can we expect from him?" Deponent replied, "Washburn says he will move heaven and earth to bring an American fleet down here, but I don't believe he can; for his complicity in the revolution is well known abroad." "And what did he do with the papers?" asked Berges; "Burned them," replied deponent. "And did he destroy those of Benigno and Venancio?" "Yes," was deponent's reply. When deponent asked Berges about Bedoya, Rodriguez and Vasconcellos, he said he knew nothing about them.

Deponent says he knew nothing in Washburn's letter to Caxias, but he knew what was in Caxias's letters to Washburn, because he translated them from the Portuguese. Some were intended for circulation among the conspirators, while others were marked, *Very private*; intended for Washburn alone, as Caxias seemed to have great confidence in him. The reason Washburn did not show those letters to any of the Paraguayans was because they contained information of the ultimate plans of Brazil and the Argentine government, in respect to Paraguay, that would not be very pleasant to them.

By letter, dated in March, soon after the assassination of Flores and the inauguration of the new Oriental administration, Caxias told Washburn that neither Brazil nor the

Argentine government were satisfied with affairs at Montevideo, and that country would be allowed no part in the treaties, after the war. In other letters Caxias spoke in the same manner of the Oriental Republic, and said affairs would be settled between Brazil and the Argentine Republic by agent at Rio. He mentioned José Marmol as one of his agents.

Speaking of the conspirators, and mentioning by name the two brothers and brothers-in-law of the marshal, Caxias said, it was well enough to use such persons in the revolution; but after the war not one of the Lopez family would be allowed to remain in the country; and Washburn had better not unite his interests with theirs, because they were mere puppets worked by strings from Brazil.

Edward Hopkins used about the same language in his letters to Washburn, and added, in one of his last, that a new secret treaty had just been signed at Rio Janeiro between Brazil and the Argentine Republic, leaving the Oriental Republic out of the question. It explained the treaty of the 1st of May; said the war had been different from what was anticipated, and new questions had arisen with other South American powers. Hopkins said he learned this from his intimate friend Doctor José Benjamin Gorostiaga, a person of great influence with Mitre.

The treaty seemed to have had this foundation: The Imperial and Argentine governments considered themselves released from all obligations to the Oriental government by the murder of Flores, and when the war was over they intended to divide not only Paraguay and the Bolivian plains among each other, but take possession of Uruguay, and use the Paraguay army as they pleased for territorial extension.

The Oriental Republic was to be divided into two portions, by the Rio Negro. The Argentine Republic was to have Montevideo and all the territory south of the Rio Negro, and Brazil was to have the rich departments of Paisandu, Salto, and Tacuarembó, north of that river and bordering on Lake Merin. For this liberal grant of land from Brazil the Argentine Republic was to give up its rights and claims to the missions between the Parana and the Uruguay, and Brazil was thus to form a new province to be called Uruguayana, with the capital of that name, or the town of Salto Oriental. As to the Chaco, the Argentine Republic was to give all of it north of the Pilcomayo to Brazil, so as to extend its possessions towards Bolivia, against which republic war was soon to be declared, so as to give the Argentine Republic a chance to recover its old province of Tarija, and Brazil to seize the Chiquito and Mayo missions, which it had so long coveted, using as a pretext that Bolivia violated neutrality in the Paraguay war by sending the army arms and munitions. In reference to the treaty of May 1, 1865, securing independence to Paraguay for five years, it would expire in 1870, and then the country could be divided. Before that, however, a kind of government was to be formed of Paraguayans now out of the country, and not one member of the Lopez family, nor any of its allies, were to take any part in it.

The two most important personages in this plan are Candido Barsyra and Carlos Saguier. The latter has made good use of his money by educating young men of Paraguay in Europe. He is Washburn's favorite for next President.

The new government being established, negotiations for paying the immense war debt were to be entered into, and it was to join the allies in a war against Bolivia, and furnish 95,000 men of all arms for that purpose—the whole of the Paraguay army, as Caxias supposed. These troops were to be dispersed among the Brazilian regiments so that they could not revolt. The superior officers were to be Brazilians; only subordinates would be allowed to retain their places.

In the division of territory all that part of the republic north of the Xpane River was to go to Brazil, and all south of the Tebicuari was to belong to the Argentine Republic. This division was to be made after the 1st of May, 1870, till which time the republic was to remain independent, within the limits fixed by the secret treaty of the "triple alliance."

At no definite time after this another quarrel was to be picked with the new government of Paraguay, and the remainder of the republic was to be divided between Brazil and the Argentine Republic; Brazil taking the portion north of the river Caañabé, which empties into the Paraguay between the departments of Villeta and Villa Oliva, near Angostura, and the Argentine Republic all south of that river.

The excuse for this wholesale confiscation of a republic was to pay the expenses of the war. Caxias said the same in his correspondence with Washburn. He said if Paraguay was put up and sold at auction it would not bring half enough to pay the expenses of the war; and, moreover, the territory would be a sort of compensation for the loss of all that portion of Brazil north of the Amazon and adjoining French Guiana, which was about to be ceded to France in liquidation of a mortgage to that country.

On the 5th of October the evidence was continued thus:

When the Wasp came up the last time to take Washburn away, it brought him a letter from Caxias, informing him that the *subterranean* telegraph had brought news of the arrest of some of the conspirators, but it was nothing, as conspirators were to be found, not only among civilians, but even in the army. He was sorry so many foreigners had been imprisoned, but it would only be an additional inducement for him to hurry to their assistance. He was convinced that the war would soon be over, because

many of the officers who appeared loyal before the capture of Humaita were now ready to change sides, and some fine morning Lopez would wake up and find himself alone in his camp.

After the reception of this letter, and while preparing to leave, Washburn studied the map of the country between the Tebicuari and Cañabé or Paray to get an idea that might be useful to Caxias in his military operations.

Washburn was anxious to see Lopez's escape to the mountains cut off, for if he got in the hills the war might last many years longer. He said he did not know much about military affairs, but he was sure his opinion would be worth more than that of any Brazilian general, and for that reason he was anxious to see Caxias and give him a piece of his mind on that important maneuver.

It was Washburn's intention, on reaching Buenos Ayres, to call a meeting of the foreign ministers, (English, French, Prussian, Italian, and Portuguese,) as their dean from his long residence in Paraguay, not taking into consideration that he was no longer *de jure* nor *de facto* minister to Paraguay after receiving his passport, and he was to tell them of the outrages and indignities that had been heaped upon him by the government of Paraguay, and of the imprisonment of foreigners, countrymen of the ministers, whom he entitled his colleagues.

He thought by this to get a protest, signed by the whole diplomatic corps in Buenos Ayres, against the Paraguayan government, and use it, like Archimedes, as a lever to move the world against Lopez.

He placed much confidence in the help of Mr. Noel, the new French minister in Buenos Ayres, because he was a friend of Cochelet, the late French consul at Asuncion, and would share his hate for Paraguay and its government; and, besides, Mr. Noel has been employed in the South American branch of the Foreign Office, and would know all about the country and its bad governments. Now, Washburn thought to get Mr. Noel to write to Cochelet, consul in Gibraltar, to go direct to Paris and influence the French government in favor of a change of administration in Paraguay; and he intended to print his correspondence with the Paraguay government, in pamphlet form, with annotations, in Buenos Ayres, to circulate and serve, as he expressed it, as an instrument of warfare. He had no hope of the British government doing anything, for ever since the Castano affair it had little to do with Paraguay, and would not interfere now, unless for the protection of two or three British subjects. As to his own government, the North American, Washburn, as has been stated, would do all he could to induce it to demand satisfaction for insults he had received; but he could not have much hope of success in that, for these reasons:

When the Wasp arrived in Paraguay waters the commander sent word to Washburn that he had a package of dispatches for him from Washington. Washburn wrote to him to keep the dispatches till he came on board. Now these dispatches might have contained important instructions to be carried out before Washburn left the country; but he was afraid his government would disapprove of his refusing to obey the order of evacuation, or of his protecting James Manlove, an American citizen, as a member of the legation.

In one of his letters to Washburn, Caxias told him that public opinion in Europe was prepared to consent to the extinction of Paraguay; for the agents of the allies there had purchased silence from the few Paraguay agents and other influential persons on that side, mentioning Baron du Graty, Paraguay minister to Prussia; Chevalier Von Gulich, ex-Prussian minister to Paraguay; and Carlos Calvo, representative of Paraguay at London and Paris, at different times. Caxias also declared there was not a Paraguayan on the Plata who was not ready to welcome a new order of things in the Republic, and, besides others well known, he mentioned Eguzquiza, Brizuela, José Caminos, and his son Felix.

Mr. Cuverville, the French consul, told deponent his feelings towards the Paraguay government had changed from friendship to bitter enmity, and he now favored Washburn's plans, and had written to his government to that effect, as well as the Italian consul, and the letters were sent out of the country by Washburn.

The fact that Fidanza and Libertat lived a long time with those consuls, and their intimacy with Domingo Ponié and other notorious conspirators, show that they must have known of the conspiracy for a long time.

After the conspiracy to assassinate Lopez was made known in the *Semanario*, Washburn said no person was so proper to execute that horrid deed as General Barrios, and that seemed to have been the opinion of every one of the revolutionary committee. Anybody could plan a murder, and many might approve of it; but to execute it a person of high rank, like General Barrios, was required; for he could then put himself at the head of the army and get off safe. And then Washburn quoted the words of Jesus Christ, "A man's enemies are in his own house," and of the Psalmist, speaking of Ahi-thophel, of whom he complained, saying: "My familiar friend, in whom I have trusted, and who has eaten with me the bread of my own table, is the one who has raised his hand against me;" applying all this to General Barrios.

At that time Washburn was reading the works of Nicolo Machiavelli, who was a

great man, and whose principles were not appreciated by moderns, as he said; and he called deponent's attention to that chapter on conspiracies, where these words are found:

"Those who plan conspiracies or revolutions are not persons outside of the government circle, for only such persons as are acquainted with government affairs can execute such plans; and they are generally persons who have received great injuries or great favors from the government, and who are in positions proper to that end."

On the 7th October the declaration was as follows:

Washburn, knowing deponent would be tried for conspiracy when once out of the legation, and his complicity would be discovered, often told him how to answer interrogatories put to him by the court. In the first place he told him to insist upon his rights and privileges as a member of the American legation, and to deny the jurisdiction of any court not subject to the American government. That failing, he was to plead the incompetency of the court, whether civil, military, or ecclesiastical. Deponent was to refuse to take an oath, or sign any paper; or if forced to do so, he should insist on the privilege of signing every page, for fear of forgery: such were Washburn's suspicions of the justice of Paraguay courts.

When Washburn expressed a fear of being called to account by the American Congress, through an investigating committee, "with power to call for persons and papers," he told deponent and Masterman they would be important witnesses, and they must testify in his favor, as it would be to their interests also; thus attempting to suborn them to perjury.

Besides this hint at pay for perjury, Washburn promised deponent a good place in the American government; and offered to write a flattering introduction to his history of Paraguay, which he had once refused to do when requested, though an act of mere justice; and this was part pay for perjury.

At the time of the evacuation of the capital, deponent, Masterman, and Manlove were living in Ulrich's houses; and to prevent the three persons from leaving, Washburn extended the protection of the legation over those houses by pretending to rent them from Ulrich, who gave him a receipt to that effect. The receipt was false, as no money had passed between them; and what Washburn said about it was not so. Washburn's only object in doing this was to be able to say that deponent, Manlove, and Masterman were living in the legation; and this false assertion he made very frequent use of in his correspondence with the government authorities.

On the 19th October the declaration was as follows:

It is certain there was a secret provisional treaty between the allies and the Paraguay conspirators, signed in December by the American minister, Washburn, for the allies; by Doctor Antonio Carreras, for the Oriental government; and by Benigno Lopez, José Berges, and Saturnino Bedoya, on the part of the Paraguay conspirators. Deponent did not see this treaty, because he was not then on good terms with Washburn, having quarreled with him on account of pay for work done; and the estrangement lasted six weeks. After making up with Washburn, who was then living at Trinidad, in a house belonging to Madam Bedoya, deponent learned from him the terms of the treaty, about as follows: It promised success to the revolution; offered amnesty to all who had supported Lopez; gave the signers of the treaty the power to form a new government; insured the independence of Paraguay, within the limits fixed by the treaty of the 1st of May, 1865; promised to support the government for one year, and for a longer period on condition of paying the expenses of the war, estimated at 150,000,000 of *patacones*, (which Washburn considered very reasonable,) all to be secured by mortgage on public lands and *maté* groves; abolition of the *yerva* (native tea) monopoly, and tobacco monopoly; liberty of worship; establishment of three departments of government; regulation of taxes and the tariff; and a provision for making the treaty permanent.

Deponent has said nothing about this secret treaty previously, for the following reasons: First. Because he knew nothing of it, except from hearsay, on account of his quarrel with Washburn. Second. Hearing of the dishonesty of the allies, and of the double alliance, he considered the treaty a fiction that would never amount to anything. Third. For regard for Doctor Carreras and the other signers, who confessed their other misdeeds, but said nothing of this. Fourth. Because he considered the acceptance of such powers by Washburn as the darkest stain upon his character, as a minister of a neutral power, of which he is a bastard specimen, and he wished to keep secret this, the most infamous of Washburn's many crimes, till he could make the most of it. Fifth. Because he intended to inform Washburn's government of his conduct, if he ever got back to the United States, and he wished to nurse his wrath for consummate revenge.

Deponent thinks the treaty was signed at the country seat at Trinidad, in duplicate, one copy being sent to Caxias and the other kept by Washburn till he destroyed it on the night of the 23d-24th July, as already stated.

Deponent thinks Washburn had full powers from the Brazilian and Argentine governments, and Dr. Carreras had powers from the Oriental Republic, and a consulting

vote for the Argentine government. Deponent is sure that Benigno Lopez gave Washburn, when he visited Caxias in March, 1867, a paper with pencil marks of the plan of operations to be pursued against Paraguay, which Washburn took to Caxias and explained to him, but which he could not execute for want of troops. During this visit Washburn also corrected a plan of the Paraguay encampment, drawn by a Polish engineer in the employ of the allies; he also brought back a letter from Caxias to Benigno Lopez, containing plans for the future adjustment of peace, which were identical with those in the secret treaty made afterwards.

Although deponent confesses to have taken part in some of the schemes of the revolution, he was shocked to see Washburn accept powers from Brazil, and did not hesitate to tell him how disgraceful it was, and what a shame it was to his government. Washburn's reply was, he had done it as a private individual, and not as American minister. To which deponent answered: "And when the devil gets the soul of the private individual, where will the minister's soul be?" Washburn could find no fit replication to this, and he kept silent.

Carreras told deponent he was one of the signers of the treaty, but he had not much confidence in the allies or anything they said.

Deponent had some conversation with Mr. Libertat, chancellor of the French consulate, but never visited him at his house. Libertat was one of the eleven signers to the secret pact of Salinares, and deponent has talked to him in general terms about the revolution, but cannot remember what was said.

On the 4th November the deposition was as follows: Washburn told deponent that at the time of his arrival at Rio Janeiro, in 1865, the leaders of the imperial government there made no secret of their intentions, in case of success in the war against Paraguay. He said Paranhos, Saraiva, Octaviano, Zacarias, and even the Emperor, confessed the intention to annex all the territory on the left banks of the Plata, Parana, and Paraguay rivers to Brazil.

Washburn believes another war will break out, after the conclusion of the present one, between the Argentine Republic and Brazil, about the division of spoils; and he expressed as much in his note to Caxias, in reply to the one mentioning the secret treaty.

Washburn's words were about as follows:

"Alliances or offensive coalitions between three or more powers are generally ephemeral and transitory, as seen in the many coalitions of William III of England against Louis XIV of France, and the no less numerous ones against Napoleon I, hardly one of which lasted more than a year. It is strange, and almost a miracle, that the present "triple alliance" has lasted over three years, and that apparent cordiality still exists among the contracting powers. You inform me how things are going on in relation to the Oriental Republic, and I need no hints to conceive the secret intentions of Brazil in reference to the Argentine Republic. Your excellency may rest assured that, whatever may happen, my gratitude to the imperial government for its confidence and distinguished favors (alluding to the full powers he had received) will be reasons sufficient to make me wish it all possible success, and give it all the advantages of my official position."

The Emperor Napoleon III has a mortgage on that vast region of Brazil north of the Amazon, and has done all he could to get a prince of his house on a throne of South America. His original idea was to extend his colony of Cayenne by annexing to it British and Dutch Guiana, to be acquired by purchase, and then add the Brazilian territory mentioned, so as to form an empire or kingdom almost as large as Mexico. In case Brazil chose to pay off the mortgage, he proposed to erect a kingdom on the Plata, containing all the territory east of the Plata, Paraguay and Parana rivers, or composed of Paraguay, Mato Grosso, and Eastern Bolivia; and as inducement, he proposed to marry the new monarch to a princess of the house of Braganza.

This proposition did not meet with much favor in Brazil because the nobility there preferred annexing the conquered territory to Brazil; or in case of a new empire, they wanted one of their own princes or princesses to occupy the throne, proposing the Count d'Eu, or the Duke of Sax, with his wife, the second daughter of the house of Brazil.

In his conferences with the statesmen above mentioned, Washburn rejected the French proposition, on account of the Monroe doctrine professed by the North American government, not to permit the erection of any throne on the American continent, or at least no throne for a European prince. For the same reason he opposed the founding of a throne for a prince of Brazil, because Napoleon would not allow any of the Bourbon family on a new throne in Europe.

The dominant idea at Rio Janeiro was to annex Paraguay, or a portion of it, directly to Brazil, as a province. It was insisted that such was the traditional policy of the empire, and that Paraguay ought to belong to Brazil by right of conquest, and as a necessary indemnity for the expenses of the war. The objection to this was that to admit Paraguayans to a full enjoyment of all rights and privileges as Brazilian citizens would be treating a conquered race with too much leniency, when they ought to

be made to suffer for obstinate resistance, and to be deprived of any vote or interest in their home government.

Those opposed to the erection of Paraguay into a kingdom said such a measure would encourage the dismemberment of the empire; and Counsellor Paranhos, senator from the province of Mato Grosso, was accused of not being very orthodox in regard to the integrity of the empire.

Others proposed a temporary state for the second princess and her husband the Duke of Sax, to prevent them from disturbing the quiet of the present empire.

Washburn proposed to make Paraguay a colony, directly dependent on the imperial crown, to be governed by regents appointed by Brazil. He said this would be in harmony with its present system of government, and would be well suited for such a backward country as Paraguay, where the chief offices are now held by foreigners, and it did not matter whether the Count d'Eu or any other person held the title of viceroy or governor general. Ever since the Paraguayan expedition, Count d'Eu had wanted to be commander-in-chief of the Brazilian army in Paraguay, no doubt with the ultimate intention of becoming governor; but he did not insist on the position, for fear of exciting the suspicion of the allies; yet he still aspired to the same place.

Washburn suggested some of the Paraguay leaders, but their ideas were for independence, and Count d'Eu would make them as good a ruler as they deserved.

Deponent knows that when the new issue of paper money was made in October last, the committee summoned Washburn to a conference to determine if it would not be well to retain most of the new currency for themselves, and thus prevent Lopez from getting hold of it, for the purpose of continuing the prosecution of the war. It was considered whether it would not be well to send most of the paper issue out of the country to Marquis Caxias, with the understanding that it was to be received by the Brazilian government at a fixed rate. In fact, the proposal was subsequently carried out by the agency of Washburn, who carried large quantities of the new paper money to Caxias, as well as ounces of gold and other valuables. Deponent does not know how much was sent, nor in what way; but he is certain it was done more than once.

Most of this money was intended as a present to Caxias, or rather as a bribe to favor the Paraguayans engaged in the rebellion, and to engage him to aid them.

Deponent knows that Washburn had Caxias's promise of many thousand ounces for the part he was to take in the conspiracy, but Washburn never told him exactly how much he was to get.

Deponent knows that about the middle of last year the leaders of the conspiracy conceived great hopes of large profits from the contribution of jewelry and plate by the fair sex of the nation, and were much disappointed when Lopez determined to take only the twentieth part of what was offered. Yet, as the collection of this twentieth would be confided to the treasury department, the chiefs of committees would get their share by entering in their books only a portion of what they collected, and by persuading the givers not to limit themselves to a twentieth.

Speaking of the gold and paper money sent to Caxias, to make him hurry up with the promised aid, Washburn said to deponent, that if that was the idea of the revolutionists, they would be greatly disappointed, for Caxias knew how to take care of number one, and would delay operations, just to get more money out of them, on the principle of not killing the hen that laid golden eggs.

Washburn rejoiced to see this money sent away, because it would deprive Lopez of means to continue the war, and in case he fled the country, he would find the coffers of the treasury empty. And he used to laugh at the poverty of the new government to be erected when the allies triumphed, at not finding a cent in the treasury, nor anywhere else; they would have to sell the whole country to pay the war debt; and he compared the poor people to the Hebrews in Egypt, that were ordered to make bricks when they had no straw to make them with; said the beggars would be richer than the nation; and then he would illustrate by pertinent anecdotes, as was his custom.

Washburn said the excuse Caxias gave the leaders of the revolution for not aiding them, according to promise, by sending his fleet above Humaita, was his fear of torpedoes, of which the Brazilians had a mortal dread, and Washburn could not convince Caxias that his fear of torpedoes was unfounded and ridiculous.

When the minister of foreign relations here told Washburn he was afraid Masterman and deponent would escape from the American legation and go over to the enemy, he promised to keep them in a secure place till he could send them to Washington, and actually confined them to one room, where they were under a kind of arrest, with a promise not to come out for twenty days, when the affair would be forgotten.

On the 9th day of November, as a first act of ratification, deponent said: That all the foregoing declarations he had heard read are the same he made in respect to truth and in answer to questions put to him in reference to his participation in the infamous conspiracy against the country and government of the republic, all he did in favor of the revolution, and all he knew about the iniquitous combinations to overthrow it; that he has nothing to contradict, but has much else to say, that he did not remember before, viz:

Deponent declares that as early as 1864, the imperial government kept a secret agent

or spy in Corrientes, named Machado, who was favored in every way by the government there, in compliance with Mitre's orders; and this he learned from Machado himself, who was an acquaintance of his, and from the governor, Lagrana, to whom deponent was presented by Machado, in the year 1865, when in Corrientes, on his way to this republic.

In the last voyage of the steamer Marquis Olinda from Montevideo to Corrientes, in November, 1864, the ex-president of the Argentine confederation, Santiago Derqui, came a passenger. After the battle of Pavon, he had lived a refugee in Montevideo, and Mitre now let him come back to Corrientes, to act as a secret agent in the war against Paraguay. He did act as such, and when Paunero came up with the Brazilian squadron to attack the city of Corrientes, on the 25th of May, 1865, he landed at the Derqui villa, where he got information preparatory to his attack on Corrientes. Another branch of Derqui's business was to stop all communication between General Urquiza and President Lopez, for which he was peculiarly fitted, because he had been the friend of both parties, and because of his central position in Corrientes.

During Washburn's six months' stay in Corrientes he bought many thousand dollars of Paraguay paper money at a great discount, and when he reached Asuncion he sold it at a premium, thus making large profits in the speculation. This money had been left in Corrientes when the Paraguay army evacuated that city, and of course it was worth little at the time Washburn was there. He was also in the habit of purchasing bills of exchange on Rio Janeiro and Buenos Ayres, and making immense profits by their sale, thus speculating on the necessities of the people. When he came up to Paraguay he brought a cargo of groceries, not for his personal use, but to sell at an exorbitant price to the needy who had the money to pay for them.

Washburn also put into his pocket the half of seven and odd thousand dollars, which he recovered from the Paraguay government for a German Jew, named Luis Yager, who pretended to be an American citizen, for damages done him by the army while he was at Bellavista.

Washburn witnessed the attack on the bank of Ytapiro, on the 10th of April, from a steamer belonging to the well-known Santiago Caustan; he knew beforehand that Lieutenant Romero was going to make the attack. A few days after the battle of the 2d of May, Washburn was at Mitre's headquarters, attending the examination of two Paraguay deserters, old acquaintances of his, named Bernardo Recalde and Manuel Alonzo or Decoud, from whom he expected to get important information for Mitre.

Washburn began to show hostility to the government of Paraguay soon after his second arrival there, and he found a worthy colleague in the person of Cochelet, the French consul, who was less disguised than Washburn in his hatred for Lopez.

The great opposition of the foreign residents of Asuncion to the celebration of independence day, the 25th of December, 1866, was due to the influence of Washburn and Cochelet upon that portion of the population.

When Washburn visited Caxias, in March, 1867, he found him troubled by ridiculous rumors about the great help that Paraguay expected from Bolivia, Rio Janeiro, and Buenos Ayres newspapers; said Lopez had employed two or three thousand men to open a road to Bolivia over the Chaco plains; that Dr. Carreras had been to Bolivia two or three times as agent of the Paraguay government; that a Bolivian minister had arrived at Asuncion, where he was received with banquets and illumination; and finally, that besides sending a quantity of ammunition, Bolivia was ready to throw itself into the arms of Paraguay.

Washburn confirmed the report about arms, so as to excite Caxias against Bolivia; and he did swear to divide that republic between Brazil and the Argentine Republic, after the conquest.

On that same occasion Caxias gave Washburn to understand that the Spanish government had been for years united with the imperial government in hostility to the republics of the Pacific; that Brazil sympathized with Spain in her present war against them, and it would be very easy for Brazil and Spain to make common cause against their mutual enemies in South America.

It was at this visit, too, that Washburn interceded with Caxias for his friend, Dr. Carreras, asking his life and property to be spared, and promising his aid in the projected revolution.

At Caxias's camp Washburn met Captain Watson, secretary of the British legation at Buenos Ayres, and formed an intrigue with him to try to influence the diplomatic body in that city, by means of letters and false reports of the state of affairs in Paraguay, sent verbally by Watson.

Deponent was to have attended Washburn on that trip, as secretary or interpreter, for Washburn had invited him to go, and leave had already been obtained from the proper source; but Washburn embarked hastily, without saying a word to deponent, and left him greatly disappointed. Washburn never explained to deponent the cause of this strange conduct, but he supposes that Benigno Lopez, or somebody else whom he consulted, advised him not to take deponent along, as it might be dangerous to trust him with such important secrets.

In his dispatches to his own government, Washburn said nothing of his complicity in the revolution, but tried to influence his government against the cause of Paraguay, not saying he knew anything of a conspiracy, but hinting there might be such a thing. It is well known that Washburn and Cochelet had full knowledge of the conspiracy, and took part in all that was done, up to the time of Cochelet's departure; and that Washburn favored the object of the meeting at Salinares, and did all he could for it; thus he may be considered an accomplice in that pact, just as much as if he had signed the document.

During his second residence in Paraguay, Washburn wrote a book, or more properly a libel, entitled "History of Paraguay," the material of which was taken mostly from books and pamphlets published by the enemy since the commencement of the present war; particularly from certain pamphlets written by Hopkins, Manuel Pedro de Peña, and Luciano Recalde. All he says about Paraguay proper he got from deponent's historical manuscripts. Deponent also furnished him with private data, which Washburn did not make proper use of, for he could not distinguish what was of real value from what was mere tradition; therefore deponent denounces and repudiates the use Washburn made of his materials, as they were used for a purpose entirely contrary to that which deponent intended to use them for.

The book is chiefly composed of anecdotes, witticisms, and jokes, collected by Washburn from all quarters of the globe, to serve as illuminations to his apocryphal history. In it he represents the inhabitants of Paraguay as a hybrid and semi-savage race, inheriting all the bad qualities of their progenitors, the Spaniards and Indians, without any of the good qualities of those original races. He expresses the opinion that the Paraguay race is destined to extinction, and deserves that fate for its abject humility and hypocritical adulation of the most infamous tyrant of ancient or modern history.

For instance, to cover Marshal Lopez with scorn and vituperation, he begins by an attack, blasphemous, impious, and violent in its language, upon St. Francis of Salos, because the marshal bears the name of that saint; and notwithstanding the great favors he received from the marshal's mother, he insinuates in his book that she stole the jewels belonging to the Virgin of Miracles, at Caacupe.

He made infinite fun of Lopez's campaign in Corrientes, in 1846, and ridiculed his mission to Europe, his mediation in the Plata, and everything he did up to the time he was made President, which he says was effected by force, and not by voluntary votes. He says Lopez's government is not different from that of the dictator Francia; or if there is any difference, Lopez's is worse, his will being the supreme law of the land. He declares Lopez's intention was to crown himself Emperor if he succeeded in this war; that his unbounded ambition was the sole cause of the war; and that his cunning and duplicity are equal to his treachery and cowardice; for he never exposed himself to personal danger. With surprising inconsistency, Washburn expressed similar opinions of the allies, thus making himself an Ishmael of modern times, who turns his pen impartially against his pretended friends as well as against his enemies; and he was right when he said no country in South America would receive him after the publication of his book.

He even calumniated and villified his confederates, the Emperor, Mitre, Caxias, Polidoro, Tamandaré, and Ignacio, accusing the leaders of the allies, particularly Caxias, Tamandaré, and Ignacio, as being cowards, unfit to command. He rejoiced to ridicule the agonizing situation of Brazil, illustrating it by his vulgar jests and anecdotes, and exulted in its exhaustion of men, money, and credit. He insisted that there was a strong republican party in Brazil; and dwelling upon the immense extent of the empire, the want of union between its distant provinces, and the great evil of slavery, he prophesied a sudden dissolution of Brazil, and its reconstruction into several republics; and this probability, he said, was admitted by Caxias himself.

In one of his letters to Caxias, Washburn broaches the grand question: What is to be done with Lopez after he is caught? and he answers it himself: *Let him be delivered up to the tender mercies of his own people.* He then suggests the formation of a tribunal of inquiry, or what was anciently called a high court of impeachment, to investigate all the acts of Lopez's administration; the record of this, he said, would fill more than one hundred reams of stamped paper, filled with the testimony of his victims; for there was not a family in the republic that did not wear mourning through his crimes, and every living member of them would cry for vengeance against the author of their misfortunes and calamities. In this manner, he said, justice would be satisfied, and the allies would save themselves the compunction and opprobrium that would certainly persecute them if they repeated the sanguinary drama of Paisandu.

At sunset, on the evening of the 23d of July, Washburn got a note from the ministry of foreign affairs, asking for Berges's papers. He immediately hunted up hiding places for his treasonable documents, and finished by consigning many of them to the flames, as the safest place for them. He performed a good joke by putting some he wanted to keep in a demijohn of brandy, to be preserved in spirits, until he could get away from the accursed country. But he needed the liquor so much, he drank it, though it smelt

and tasted strongly of treason, and then broke the bottom of the demijohn and extracted the papers, safe and sound, and in a good state of preservation.

In addition to what deponent said about Washburn's intrigues with Caxias, on the arrival of the Wasp, he says that Washburn wrote three letters to Kirkland; each one different in tenor from the others. He sent the first from San Fernando to Caxias. In it he did not say whether it was his intention to quit the country or to stay; but he refused to go overland through the enemy's lines. This was a mere dilatory process on the part of Washburn.

After his returning from San Fernando, Washburn and Caxias were anxious for the Wasp to come up, as they feared the conspiracy was about to be discovered. When he got the second note from Kirkland announcing Caxias's new proposal to send a Brazilian steamer to the port of Tacuaras, Washburn wrote him a furious answer, accusing him of stupidity, ordering him to inform Caxias of his intention, and to come up the river immediately, cost what it might.

Washburn sent that letter without consulting anybody about it; but when he found Carreras, Rodriguez, and deponent opposed to its tenor, believing it would do more harm than good, he regretted that he had written it.

After some dispatches exchanged by telegraph with the French consul and Colonel Caminos, Washburn recovered courage, and believing his relations with the Paraguayan government in a better condition than he had supposed, he declined leaving the country immediately. Then revoking his former letter that had not gone from San Fernando, he wrote another ordering Commander Kirkland to go back to Buenos Ayres, pretending a disagreement with Caxias as a pretext, and to return in a couple of months, by which time he hoped the revolution would take place, if Caxias lent the promised aid.

In reference to the proposed proclamation arranged between Caxias and Berge, to be issued on the day the revolution broke out, as before mentioned, deponent has to add, that the idea of promulgating it was abandoned. The three allied governments had already acknowledged the new revolutionary government as the real expression of the national will, and as such it had been admitted by formal treaty to the rank of a fourth power in a new alliance, and to show their generosity the allies had insured the independence and self-government of the republic, within certain limits, and had modified the more onerous conditions of the secret treaty of May.

Washburn did not inform his government of his complicity in the revolution, but he tried to prejudice it against Lopez, in this manner: He said the sufferings of the unhappy people of Paraguay had been so varied and severe, that they had been agonized by the three greatest plagues that humanity can bear, namely—war, pestilence, and famine—all of which had been inflicted upon them by Lopez, with the additional suffering under the yoke of the most terrible despotism that the subjects of a tyrant were ever known to endure; that it would be a miracle of patience if the long-suffering people did not wish an end of the war, no matter how effected, and he would not be surprised if some of the more daring spirits took the business into their hands. And he added, that, although he did not know positively, for he was neutral, yet he had good reasons to believe that persons composing the present government, that is, the public functionaries, would desire nothing better than to get rid of Marshal Lopez. He was astonished that this had not been attempted long ago, by a revolution, for it is well known that revolutions of that kind are as common as the new moons in all the South American republics. To illustrate this assertion, there is the Argentine province of Rioja that has had no less than seventeen governors in two years, all of them put up or down by revolutions.

About the beginning of this year deponent made out an annotated catalogue of persons decorated with the *order of merit*, with a specification of the five grades into which it is distributed. This work was done for Washburn. The list had marginal blanks for the insertion of remarks concerning the good or bad luck of the bearers since the reception of the honor.

The purpose of this list was to demonstrate, as Washburn thought, that three-fourths of the military men so decorated were not living; and of the civilians, almost all of them had fallen into disfavor with the marshal, and no doubt all of them wished the enemy success.

Deponent thinks a copy of this list was sent by Washburn in April last to his government, to prepare it for the revolution that would certainly take place. He also is certain a copy was sent to Caxias before that date, though he cannot say exactly when.

The second examination for ratification resulted as follows:

On the 8th day of December, 1868, the accused, Porter Cornelius Bliss, was summoned to appear before the judges and notary in presence of J. M. Ramsay, and W. A. Kirkland, deputized by Rear-Admiral C. H. Davis of the American squadron, and took a solemn oath to speak the truth to all questions put to him in the present examination. His former depositions were then read to him, and he was asked if he acknowledged them and the signatures at the bottom, if they were his; and he replied that he

acknowledged the depositions as the same that had been taken down from his dictation, and the handwriting as that which he always uses in signing his name in Spanish.

He was also asked if he affirmed and ratified these declarations under the solemn oath he had taken, and if he had anything to take from or add to them; and he answered that he confirmed and ratified them, and had nothing to add to or take from them, further than what had been already done.

All of which having been read in presence of Mr. Ramsay and Mr. Kirkland, they signed as witnesses with the judges in the case, and the accused, who ratified his declarations before me, the notary.

PORTER CORNELIUS BLISS.
DONATO GAMARRA, *Notary*.

JUSTO ROMAN,
FIDEL MAIZ,
FRANCISCO M. RAMSAY,
W. A. KIRKLAND,

Officers on board the American Gunboat Wasp.

This is a true copy of the original record made by authority of the judges, and signed by them in presence of the notary in the case at the encampment of Pikysyry, on the 9th of December, 1868.

JUSTO ROMAN.
FIDEL MAIZ.
DONATO GAMARRA, *Notary*.

APPENDIX.

[BEING THE CORRESPONDENCE BETWEEN THE MINISTER OF THE UNITED STATES AND THE GOVERNMENT OF PARAGUAY, FROM MARCH 26TH, 1868, TO THE CLOSE OF MR. WASHBURN'S MISSION.]

Mr. Washburn to Señor Benítez.

LEGATION OF THE UNITED STATES,
Asuncion, March 26, 1868.

SIR: In a recent interview which I had the honor to hold with your honor, you were kind enough to remark that it might be of advantage to me in making excursions into the country if I had a passport from your office. Though I have never suffered any inconvenience as yet from not having a passport, but have always experienced either with or without one the same courtesy and kindness from all, both officials and private citizens, yet, as your honor remarked, at this time, when extra vigilance and care are required, it is quite possible that a passport from your honor might be of service in preventing any misunderstanding on the part of officials and consequently avert anything that might cause annoyance. I will therefore thank your honor if at your earliest convenience you will send me such passport as may be of service in preventing any difficulty or misunderstanding.

I take this occasion to renew to your honor assurances of distinguished consideration and esteem.

CHARLES A. WASHBURN.

His Honor GUMESINDO BENITEZ,
Acting Minister for Foreign Relations.

Señor Benitez to Mr. Washburn.

[Translation.]

DEPARTMENT OF STATE AND FOREIGN RELATIONS,
Luque, March 27, 1868.

I have the honor to acknowledge the receipt of your note of the 26th instant, in reply to my suggestion that you should have a passport to go to the country, that you had never been molested without one. I said in times like these, a passport would be of no disadvantage, and might be of service to you; you asked for one.

In reply I must say to you, that when I offered to give you a pass to go out of the city, it was to protect you from molestation by the patrol and sentries or other officers to whom you might not be known; and one would have been sent to you immediately, if you had told me where you wanted to go.

If you will tell me where you wish to go, one will be sent you. This question is asked, not because we care where you wish to go, but to save you trouble on the way, though it seems from your note that you do not wish to betray the place of your destination.

I embrace the occasion to repeat the assurance of my consideration and esteem.

GUMESINDO BENITEZ.

Hon. CHARLES A. WASHBURN, &c., &c., &c.

Señor Benitez to Mr. Washburn.

[Translation.]

DEPARTMENT OF STATE AND FOREIGN RELATIONS,
Luque, March 29, 1868.

I have the honor to acknowledge the reception of your note of the 26th instant, in which, referring to my observation on the expediency of your carrying a passport, in case you went into the country, you were pleased to say that you had never yet been molested for want of one, but had ever been treated with civility by everybody, citizens as well as soldiers; yet, at my suggestion, that in these troublous times, when double vigilance was required, a passport might be of service to you, to prevent you being molested by officers, and to prevent other difficulties, therefore you requested a passport of that character to be sent to you as soon as possible, to prevent any misunderstanding. In reply, I must say to you, that when I offered you a passport for the special occasion of an excursion into the country, when you would have to go out of the capital, it was done with the intention of preventing any misunderstanding with the patrol and military sentinels of the military post where you had your residence, and with officials outside of those limits to whom you might not be personally known. I would have sent you the passport immediately, if you had been civil enough to inform me where you wanted to go.

I beg, therefore, that you will indicate this circumstance, with the understanding that this department has no other interest in knowing it than to save you from trouble, and if you do not see fit to do so, as

appears in your note, to which this is a reply, we will not insist on its acceptance.

Yours, &c.,

GUMESINDO BENITEZ.

Hon. CHARLES A. WASHBURN, &c., &c., &c.

Señor Benitez to Mr. Washburn.

[Translation.]

DEPARTMENT OF STATE AND FOREIGN RELATIONS,

Luque, April 25, 1868.

I have the honor to acknowledge the reception of your note of the 19th, in which, after alluding to a former interview about sending the correspondence for your government to the representative of the United States in Buenos Ayres, you state that every day makes it more necessary to send on that correspondence, and then you give me the reasons therefor, and end by asking me to make this known to the President, that he may order it to be sent by a flag of truce.

I have communicated the contents of that note to my government; and knowing it to be your duty to correspond with your government, I am ordered to inform you that the correspondence of the legation will be received in the department and transmitted by the secretary general in the same manner as your other communications.

I embrace the occasion to renew to you the assurances of my most distinguished consideration.

GUMESINDO BENITEZ.

Hon. CHARLES A. WASHBURN, &c., &c., &c.

Señor Benitez to Mr. Washburn.

[Translation.]

DEPARTMENT OF STATE AND FOREIGN RELATIONS,

Luque, May 9, 1868.

I have the honor to acknowledge the reception of your note of yesterday asking an interview with the President of the republic, and requesting me to make the desire known to him, with other particulars in the note.

In reply I am pleased to inform you that the President will receive you at his headquarters; and I am authorized to place at your disposal the first idle steamer, which order I communicate this day to the minister of war and marine.

With these remarks, I remain yours, &c.,

GUMESINDO BENITEZ.

Hon. CHARLES A. WASHBURN, &c., &c., &c.

Señor Benitez to Mr. Washburn.

[Translation.]

MINISTRY OF STATE FOR FOREIGN AFFAIRS,
Luque, June 20, 1868.

The Portuguese subject, Don José Maria Leite Pereira, having disappeared some days since from his ordinary residence in Trinidad, in contravention of orders in force, I have the honor to inquire of your excellency if it be true, as the police has been informed, that the said individual is now in the American legation, and for how long since; hoping your excellency will also please inform me of the nature and motive of his remaining in that legation.

At the same time I beg your excellency will remit me a list of all the persons who, without belonging to the legation, are sheltered in it.

On this occasion I have the honor to renew to your excellency the assurances of my most distinguished consideration and esteem.

GUMESINDO BENITEZ.

Hon. CHARLES A. WASHBURN,
Minister Resident of the United States of America.

Mr. Washburn to Señor Benitez.

LEGATION OF THE UNITED STATES,
Asuncion, June 22, 1868.

SIR: I have the honor to acknowledge the receipt of your note of the 20th instant, in which you advise me that the Portuguese subject José Maria Leite Pereira had disappeared from his ordinary residence by evasion of the police orders, and you request me to inform you if, as the police had reported, he was in this legation, and how long he had been here; and you add that I am also to inform you in what quality and with what motive he remains in this legation.

You also request me, at the same time, that I will send you a list of all the persons that, without belonging to the legation, are sheltered by it.

You will permit me to observe that all these questions pertain to the internal affairs of this legation, and that therefore I am under no obligation, except as a matter of courtesy, to return any answers to them. Nevertheless I shall give you the desired information, so far as I have it, though the note of your honor calls for it in terms so peremptory as would justify me in withholding it.

The individual mentioned by you, Don José Maria Leite Pereira, whom I had always known as the acting consul of the King of Portugal, and so recognized him on various official occasions, came to this legation, accompanied by his wife, on the 16th instant. They have remained here ever since in the quality of guests of Mrs. Washburn and myself. Of his motives in coming here I am not further informed than that they are founded on the representation of Mr. Cuberville, at present in charge of the French consulate, after his return from his late visit to San Fernando.

I give, as requested by you, a list of the persons not belonging to the legation, but whom I have nevertheless received within its premises, some as guests and some in other capacities. In my note of the 24th of February, which was not sent but as an accompaniment of that of the

4th of April, I gave a list of the persons belonging to the legation. None of these are included in the present list, which is as follows :

Mr. and Mrs. Eden, Mrs. Thomas (widow) and three children, Mrs. Cutler (widow) and two children, Mr. and Mrs. Watts and four children, Mr. Newton and four children, Mr. Miles, English ; Don Antonio de las Carreras, and Don Francisco Rodriguez Larreta, Oriental ; John A. Duffield and Thomas Carter, Americans ; José Maria Leite Pereira and wife, Portuguese ; Adolph Brose, German.

I take this occasion to tender to your honor assurances of distinguished consideration.

CHARLES A. WASHBURN.

His Honor GUMESINDO BENITEZ,
Acting Minister for Foreign Affairs.

Señor Benitez to Mr. Washburn.

[Translation.]

LUQUE, June 23, 1868.

Gumesindo Benitez, first official in charge of the department of foreign affairs, presents his respects to the minister resident of the United States of America, the Hon. Mr. Washburn, and has the honor to inclose to him a sealed package, sent to him by the commander of the gunboat Wasp. Gumesindo Benitez embraces the occasion to renew to the honorable minister the assurances of his distinguished consideration and esteem.

Señor Benitez to Mr. Washburn.

[Translation.]

LUQUE, June 27, 1868.

I have the honor to acknowledge the receipt of your excellency's note of the 22d instant, in which is confirmed the fact that the Portuguese subject, José Maria Leite Pereira, is sheltered in the legation of the United States in contravention of all governmental dispositions.

Reserving for another occasion my answer to the various points touched upon in your excellency's note, I limit myself for the present to request of your excellency that since the aforesaid Leite Pereira is accused and has to appear before the proper tribunal, you will have the goodness to cause him to be delivered to the police officer who will present himself for that purpose at your house two hours after the delivery of this note.

I take this opportunity to renew to your excellency the assurances of my most distinguished consideration and esteem.

GUMESINDO BENITEZ.

His Excellency Mr. CHARLES A. WASHBURN,
Minister Resident of the United States of America.

Señor Fernandez to Mr. Washburn.

[Translation.]

ASUNCION, *June 27, 1868.*

Major Fernandez has the honor to salute the honorable minister of the United States, and to thank him, in the marshal's name, for the notices in relation to the Wasp which he intrusted to me for his excellency.

Major Fernandez is ordered by the marshal to request you to tender his thanks to Mr. Kirkland, commander of the United States steamer Wasp.

Major Fernandez has inquired for papers and packages to be sent to Mr. Washburn by Mr. Kirkland, and has learned that the enemy's truce-boat only delivered the note of the 20th instant, at Timbo, which he has the honor to make known to you, with his respects.

Mr. Washburn to Señor Benitez.

LEGATION OF THE UNITED STATES,

Asuncion, June 28, 1868.

SIR: At 6 o'clock last evening the note of your honor of the same date was left at this legation. Being absent at the time, it was not delivered into my hands till some time after. In this note you state that mine of the 22d instant has confirmed the fact that Don José Maria Leite Pereira is sheltered in this legation in contravention of all government orders.

Your honor adds that, reserving to a suitable occasion your answer to the different points embraced in my note, you limit yourself for the present to ask that the said Leite Pereira being accused and required to appear before the proper tribunal, I should deliver him to the police official who was to call for him two hours after the delivery of your letter.

The official came within one hour after the note of your honor was received by me, and I advised him that I would not then deliver the said Leite Pereira, but would to-day write an answer to your note of yesterday, giving my reasons therefor.

I must confess to a very great surprise on reading this note of your honor, as I conceive that on two very material points it does not show the respect due to an accredited minister of a friendly nation. I am requested in a manner almost peremptory to deliver up a guest of mine, against whom no specific crime or charge is laid, and who, like myself, is entirely ignorant of the nature of the accusation that you say has been made against him. I am also requested to deliver him to a police officer, who would be sent to take him. This request that a foreign minister should deliver a party to the police appears to me of so strange a nature that under any and all circumstances I must decline to accede to it. All that I could do, even were a grave and specific crime laid to his charge, would be to advise him that my house could no longer give him an asylum; and when he was out of it, then he might deliver himself up to the police, or wait till he was arrested.

I find that all the writers on international law that I have been able to consult agree both in regard to extradition from one country to an-

other, and to the delivery of persons who have fled for asylum to the legation of a foreign minister; that he is not under any obligations to deliver them, except for some definite and high crime against the state or sovereign. This being recognized as the law in such cases, it follows that before surrendering Mr. Leite Pereira I must first ask for the specific offence or offences of which he is accused. Says Vattel, in speaking of the rights of asylum: "When we treat of certain common offenses, of people often more unfortunate than guilty, or whose punishment is not very important to the repose of society, the hotel of an ambassador may well serve as an asylum; and it is better to allow offenders of this class to escape than to expose the minister to see himself frequently disturbed under pretext of domiciliary visits—than to compromise the state in the inconveniences which might arise." (Vattel, *Law of Nations*, book iv, chapter 9, section 118.)

Your honor will observe that according to this doctrine the mere allegation that a person is accused without stating his offense is not sufficient reason why he should be delivered up, and will do me the credit, I trust, to believe that if I did not surrender the individual in question it was from no wish or intention of shielding any accused person from the penalties of violated laws. It was simply to conform to the law established for such cases so exactly as to be my own justification in so grave a matter to my own government and the world.

The case for me is one of greater delicacy and responsibility from the fact that up to the day that Mr. Pereira came to my house he had been known to me and recognized by the government of Paraguay in an official capacity, that of acting consul of Portugal. His offense or crime, therefore, must have been committed when he still held that character; and the case presents grave doubts whether a consul of one nation has not exceptional and stronger claims on the protection of the minister of another than a person holding no public position. In the few authorities I have at hand I find no reference to any analogous case, as it appears that there is no precedent for a person holding a consular capacity being demanded as a criminal from the minister of another nation. Indeed, it has been held by many writers of high repute on international law, that in their persons they were entirely privileged, the same as ministers. One of these, Pinheiro Ferreira, in his commentary on *Martyrs*, says: "It may be affirmed in general that consuls, and commercial agents assimilated to consuls, as well as the persons forming part of the consulate, enjoy, like public ministers, inviolability as to their persons, though they have not the privilege of extraterritoriality. Other modern authors of much celebrity go still further in support of the immunities of consuls, while some do not go so far. But as your honor is doubtless familiar with the principal authorities on international law, it is not necessary that I should quote further, and in giving the above extracts it has only been to indicate the gravity of the situation in which I am placed. A too ready acquiescence would bring upon me, I am convinced, the contempt of the government of Paraguay, as it would the censure of my own government and the obloquy of the civilized world. Under such circumstances I most respectfully request that the specific charges against Mr. Leite Pereira may be made known to me, when, if they shall be of the grave character that shall require it, he will be advised that this legation can no longer give him an asylum.

I will only add that Mr. Leite Pereira has at all times expressed his entire willingness to leave this legation, and even surrender himself to the authorities of the country, whenever I shall indicate that my house can give him no longer protection; that, conscious of no offense, and

relying on the justice of the tribunals of Paraguay, he will be ready to meet and disprove any allegations that may be brought against him.

I take this occasion to tender to your honor assurances of distinguished consideration.

CHARLES A. WASHBURN.

His Honor GUMESINDO BENITEZ,
Acting Minister of Foreign Affairs.

Señor Benitez to Mr. Washburn.

[Translation.]

MINISTRY OF STATE FOR FOREIGN AFFAIRS,
Luque, July 11, 1868.

I have received the note of your excellency, dated the 28th ultimo, in reply to that which I, on the 27th, had the honor to address your excellency, acknowledging the receipt of your note of the 22d, in which you confirmed the fact that the Portuguese subject, José Maria Leite Pereira, was sheltered in the American legation, in opposition to all governmental arrangements, and limiting myself to request the delivery of the said individual, accused of a grave offense, and who was to appear before the appropriate tribunal.

As in the same note I announced to you that I reserved to another time my reply to the different points touched upon in your excellency's note of the 22d, and as, besides, the last dispatch of your excellency of the 28th contains other points not less important, and which, like the former, directly affect not only unquestionable rights, but also the principles which govern the conduct of nations in their mutual relations under the empire, of reason, of justice, and of law, you will permit me to consign in this note my reply to the two above-mentioned notes of your excellency.

Referring to my note of the 20th, in which I begged for information as to the fact which had been stated of the shelter given to Leite Pereira in your legation; the character and motive of his staying there; as well as concerning the request I made to be informed by list of the persons who, without belonging to the legation, are sheltered in it, you say that all these questions belong to the internal affairs of the legation, and that, consequently, your excellency is not under obligation to give any reply to it, except as a matter of courtesy.

You add that Leite Pereira went to that legation, accompanied by his wife, on the 16th ultimo; from that time he has remained as a guest; and that of motives of his going there your excellency is not further informed than that they were founded upon the representations of Mr. Cuberville, at present charged with the French consulate, after his return from his late visit to San Fernando; and close the note of the 22d giving the list asked for of persons, and stating that although not belonging to the legation, your excellency has received them within it, some as guests and others in other capacities.

First of all, I must manifest to you that the expressions referred to as from Mr. Cuberville prove, although in a very unsatisfactory manner, that the refugee in question sought the house of your excellency to escape from justice, and, for the same reason, the title of guest given him by you with that knowledge does not appear to afford a very correct

explanation. And, respecting the declaration of your excellency, that you were under no obligation to give the explanations called for by my government, concerning a subject of vital interest under present circumstances, I must declare in my turn that you can have no right in the present case to deny the information and the explanations solicited in my note of the 20th, for the reasons which you will find in the present; but before going further I will make a summary of your note of the 28th. In it you state that at 6 o'clock, on the 27th, my note of that date was delivered at the legation, and that one hour after its receipt arrived the officer alluded to in my note; that you informed me that you would not then deliver up the said Leite Pereira, but would write a reply to my note, adding that the reading of my note had caused you great surprise at seeing that, concerning two very prominent points, it did not show the respect due to the accredited minister of a friendly nation; that your excellency was requested in an almost peremptory manner to deliver up a guest; that this request to deliver up one of your guests to an officer of police, sent to take him away, appears to you of so strange a nature that under no circumstances whatever could you accede to it; that all which you could do, even when the imputed crime was grave and specific, would be to notify the party that the legation could no longer shelter him.

And, after other observations made from this point of view, after citing Vattel and other writers upon international law, your excellency closes, requesting that the specific charges made against the said Leite Pereira may be communicated, in order that, should they be of the grave character requisite, he may be informed that that legation can no longer shelter him.

Having thus summed up the most essential points of your excellency's two notes, to which I have the honor to reply, I will immediately state to you that, according to the letter and spirit of said notes, your excellency has not chosen to give all your attention to a subject of such importance, looking from a very limited stand-point at the high principles on which the international code is based, and even refusing to recognize the legitimate right which my government has to take the measures which you so much wonder at, and which I doubt not you will reconsider.

It is painful for me, Mr. Minister, to find that your excellency has discovered in my notes any ground for the complaint made of lack of respect towards the accredited minister of a friendly nation, when my desire has been to abound in the contrary, according to the constant policy of my government, much more when this ministry had grave motives of complaint concerning the lack of consideration shown by you towards this ministry, and, what is more, toward the government itself; and since your excellency has chosen to provoke this controversy, you will allow me to mention these just motives.

You will remember that when the state of the war in which the republic is engaged against its pretended conquerors demanded that the city of Asuncion should be abandoned by its inhabitants, and declared a military post, the government ordered its entire evacuation, as was communicated to you at the proper time, which order was scrupulously obeyed by natives and foreigners without distinction; but you, making yourself the only exception, thought it your duty to contravene the said disposition of the government. It was then that this government expressed the hope that this circumstance, regrettable for it, would not be the cause of any contravention of the government's orders. Notwithstanding this, and the official statement made by you of having ad-

mitted temporarily into the legation several English families, your excellency has thought it your duty to continue maintaining in it a large number of foreigners of different nationalities, whom you admitted at a moment when, though without any foundation, they might believe themselves in danger from the approach of two hostile vessels; and you ought to be persuaded that although the government was not obliged to do so, yet, in pursuance of its usual policy of moderation, it chose to tolerate this conduct, in order that, since they were already within the American legation, they might not be troubled, confiding that the minister of the United States would dismiss them as soon as the grounds for fear had passed. Nevertheless, it is nearly five months since the two hostile vessels appeared and were momentarily in the port of Asuncion, and since all peril towards these individuals ceased.

Since that time, disagreeable circumstances have occurred between this ministry and the legation of your excellency, through the provocations given by your refugees, and, nevertheless, not one of them has left that residence in fulfillment of the orders of the government, and, on the contrary, others are received, as is proved by your notes.

Besides this, you ought to remember that your excellency has not had the goodness to communicate to this ministry even the simple acknowledgment of its note of the 23d of February, in which, among other things, it was said that in the desire of avoiding whatever disagreeable incident, it consented to the residence of the American citizens Bliss and Manlove in the dwelling of your excellency, but with the warning that, not belonging to the class of servants in which they appear in the list of the American legation, they cannot go out of it, in which case the police ought to arrest them, as was repeated to you in the posterior note of 4th March; but your excellency has been pleased not only not to acknowledge the receipt of that note of this ministry, but has regarded its request with little consideration, allowing the said individuals to go into the streets of the city, and, nevertheless, expressing in your note of March 24 that you did not recognize any violation of law or culpability on the part of Manlove, when, without any competent permission, he went to open the house of a French subject who was absent from that point.

When the consecutive cases of Manlove, Watts, and Bliss occurred, involving direct provocations to the authorities, this ministry, seriously calling the attention of your excellency, instead of proceeding to other measures, which it might rightfully have adopted, requested of you an assurance that these insults would not be repeated, but you did not choose to offer any. Nor did you see fit to acknowledge the receipt of the note of February 22, although it was accompanied by the governmental edict of the same date, ordering the total evacuation of the capital, it having been declared a military post, nor that of the 28th of the same month, in which your excellency was notified, by an authentic copy, of the supreme decree, which declares all the territory of the republic in a state of siege.

In spite of these antecedents, this ministry, being guided by the grave and circumspect policy of the supreme government of the republic, has guarded a conduct full of moderation towards the representative of the friendly nation of the United States, who cannot, without injustice, fail to recognize this fact; and it is indeed owing to this circumstance that I much regret that your excellency attributes to my note of the 27th any lack of respect towards the accredited minister of a friendly nation; and I can assure you that it is beyond my power to conceive that by the act of soliciting the delivery of a culpable person, who had

taken refuge in the legation, and of having sent an officer to seek him, two hours after the delivery of the note, there can be inferred any offense to justify any such complaint.

I cannot but express to you my sincere thanks for the acquiescence or courtesy which your excellency supposes yourself to have used in giving me an account of the persons sheltered in your hotel, and you will permit me to declare, in turn, that this ministry cannot recognize in you the right to refuse to reply to the query made in its note of the 27th ultimo, since if this information belongs to the internal affairs of the legation, it does not less appertain to the territorial sovereignty of the place of your residence, as is demonstrated in the case of Leite Pereira, whose disappearance was not accounted for until your excellency's note of the 22d ultimo.

Returning to the subject of sending an officer of police to accompany the person demanded, I cannot understand the reason which you can have had for so imperiously declining to deliver up the person in question. Although there may be no precedent for it, it is in the natural order of things, as derived from common practice; but your excellency shows conclusively that you are in no case disposed to give up to the authorities any of your refugees, but at most to say to him that your house can no longer give him asylum. If there could be any offense in the sending of the said officer, I consider it well washed out by your excellency's negative and the sending away the same officer without having fulfilled his commission, it being, for that matter, very indifferent whether Leite Pereira be delivered up or dismissed from the United States legation, to be arrested in the street by a less distinguished functionary.

Your excellency says that, according to all writers upon international law, a foreign minister is not obliged to deliver up his refugees, except for some high and specific crime against the state or the sovereign, and adds, that this being recognized as law in such cases, it follows that before giving up Leite Pereira you ought first to call for the manifestation of the specific offense or offenses of which he is accused. Without recognizing in an absolute sense this principle, it is incumbent upon me to say upon this point that when the government of the republic solicited the delivery of Leite Pereira, clearly expressing that he had violated governmental dispositions, which is evident and notorious to your excellency yourself; besides the statement that he was accused, and that he must appear before a tribunal, you should not have hesitated a moment in recognizing that the criminality of the said individual is not of the character of the common offenses mentioned in your quotation from Vattel. From this point of view, I do not perceive any obligation to give you any more explanations concerning the crime of the accused person, whose appearance before the appropriate tribunal is imperatively necessary; and, on the contrary, I have reason to be much surprised at your pretension to be informed of the specific charges against Leite Pereira, in order that, should they be of the grave character requisite, he may be advised that he can no longer be sheltered; that is, constituting yourself the only judge of the question, and of the case of the delinquent in this country. To recognize in you this attribute would be to abdicate on the part of my government its rights and prerogatives, to the lowering of its honor and national dignity.

Please accept my special thanks for the transcription of a part of the paragraph 48 of chap. 9, book iv, of Vattel, and believe that it is precisely in view of this same quotation, and of what follows in the work of that celebrated author, that I have requested of your excellency that

Leite Pereira should be placed in the hands of justice. And this is, Mr. Minister, as much as I think myself authorized to say in the matter of the guest who has provoked the discussion, trusting that you will consider yourself sufficiently informed to do justice to yourself in the case.

It has been precisely in order not to be obliged to molest you by following the course indicated by strict law, that this ministry has more than once expressed the desire that you would not shelter in your hotel, nor in its rear premises, so many persons of different nationalities, to the degree of depriving the public workshops of their artisans for many months, such as George Miles, prisoner of war, placed in the pay and service of the arsenal upon the same footing with the contracted operatives, John Watts, engineer, and William Newton, director of the foundery, all of them English, who like others are sheltered in your hotel.

Besides, the privilege of asylum, so long maintained without apparent motive, in a purely military post, without other inhabitants than the American minister, his guests and refugees, as your excellency calls them, might justly have given rise to a serious discussion concerning the extension which your excellency wishes to give to the immunities of your hotel; but the government has carefully endeavored to avoid it, and has limited itself in the matter to slight and friendly indications.

In what relates to the official character which you attribute to the refugee, I must say that before reaching the house of your excellency he received in the morning of the 16th ultimo a note from this ministry, in which, by virtue of a declaration of the chargé d'affaires of his Most Faithful Majesty the King of Portugal, he was notified that in the question which arose between him and the vice-consul of that nation long since, the latter alone would be recognized as the person with whom to treat in matters concerning the consulate of his Most Faithful Majesty, and that the former could not be recognized in the character of administrator of the consulate, which was solicited for him by Mr. Consul Madruga, by a note addressed to this ministry, but not answered. This fact leads me to omit all discussion of the question, especially since the same guest of your excellency will have informed you in detail of all that occurred with the government in this respect, in view of the official documents.

And I must ingenuously say to you that, although I am far from knowing the motives which led you to refuse to allow Leite Pereira to carry into effect his express desire to leave that legation to go and deliver himself to the authorities, I desire to respect the reasons which may have influenced you.

Although I do not propose to discuss here the incompetence of the location of the American legation within a military post, I must observe that I trust you will not fail to perceive that since Asuncion was converted into a military establishment, and the government and people, as well as the foreign agents and subjects residing in other places, not only the laws of the state are affected, but also a formal embarrassment has been created to the internal management of that post, by the existence of a diplomatic hotel within its limits.

Leaving aside, then, the question of the residence of your excellency in Asuncion, where there are no objects of diplomatic attention, I proceed to state to you that the ostensible motive of the asylum given by the American legation having ceased, that asylum must also cease, especially since it has begun to seriously affect the military regulations of the post and the most precise orders of the government; that if at the moment of the evacuation of the city that asylum was tolerated,

there is no reason, nor is it to be permitted, that such a state of affairs continue as a place for refuge; and declaring that I am under no obligation to give any explanation either respecting the individuals comprehended in it, nor of those who in future may take refuge there. Without any fear of committing myself, I can assure you that you cannot cite any precedent, and that, on the contrary, no one can fail to recognize the reason and justice which characterize the loyal and prudent conduct of my government in a question of great political transcendency; and you yourself must recognize that, under all its aspects, such a house, with diplomatic immunities, affords the greatest inconvenience and peril in a strictly military post. In a word, Mr. Minister, I cannot for a moment doubt that you, weighing in your mind these grave considerations, will find that the exercise of your ministry and of the immunities of your legation is incompatible with the condition of the place of your residence; and that by the simple fact of having placed it in a military post your excellency has relaxed a part of its privileges, and especially the right of asylum.

But these circumstances assume a still graver character when your excellency declares officially that Leite Pereira, like yourself, is totally ignorant of the nature of the accusation made against him, and since your excellency constitutes yourself the judge who should determine upon specific charges against your guest, whether the asylum should cease or continue.

Notwithstanding, my government, always disposed to observe every consideration toward the friendly nation of the United States, and to do in favor of its minister all that the welfare and the best defence of the state may permit, must declare that the refugees of your hotel can no longer be indefinitely tolerated in a military place without fear that, abusing their asylum, they may become dangerous to the state, if not agents of the enemy; and taking into consideration the situation of the republic and of the city of Asuncion, as well as the circumstances expressed in relation to the declaration made by you in your note of April 4th, that you cannot offer any securities that occurrences like that of Manlove, or others similar, will not be repeated, this government must call your serious attention to the point.

In attention to what has been stated, I request you will please dismiss from your hotel to-morrow, before sunset, the said Leite Pereira, as well as all the other individuals who, not belonging to the legation, are at present in it, some as guests and others in other capacities, as your excellency expresses it.

I will not conclude, Mr. Minister, without making another observation of high interest, which is, that when in general native and foreigners have religiously complied with the order for the evacuation of the city, and the government affords them all protection and assistance possible in the state of flagrant war existing within the country—struggling hand to hand with the enemy which tenaciously strives to exterminate them—when public order, the morality of the people in all parts, and governmental dispositions guarantee persons and interests, the indefinite permanence of these persons in the American legation cannot be taken in a favorable sense, these circumstances being in themselves sufficient, without referring to other antecedents, to call seriously the attention of the government upon it in the solemn moments in which we are living.

These powerful considerations constitute the fullest justification of the request of my government, and I cherish the most positive confi-

dence that you will recognize not only the justice, but even the moderation of this petition, and that that asylum will cease.

I embrace this occasion to renew to your excellency the assurances of my distinguished consideration and esteem.

GUMESINDO BENITEZ.

His Excellency CHARLES A. WASHBURN,
Minister Resident of the United States of America.

Mr. Washburn to Señor Benítez.

LEGATION OF THE UNITED STATES,
Asuncion, July 12, 1868.

SIR: I have the honor to acknowledge the receipt of your note of yesterday, in which you review at great length the circumstances that have arisen and the discussion that has taken place in consequence of the protracted residence in the legation of certain persons who do not belong to it, and conclude by saying that it is expected by this government that all such persons will leave it before sunset this day. Being thus restricted to a few hours, it is impossible for me to even allude to the many points touched upon in your note, and I am, therefore, compelled to defer a more formal answer to another time. I will here remark, however, that I dissent entirely from the opinions and conclusions advanced by you in relation to the rights and immunities of foreign ministers and legations. But this does not affect the practical view of the case in relation to all the persons whom you mention by name as remaining against the wishes of the government. They have all advised me, including Mr. Leite Pereira, notwithstanding his exceedingly infirm state of health, that, to relieve me of any embarrassment on their account, they will voluntarily leave the legation to-day; and of those whose names were not long since given as not belonging to the legation there will only remain Dr. Carreras and Señor Rodriguez, and their servant, and Mrs. Leite Pereira. To the residence of this lady here, as the friend and companion of Mrs. Washburn, I presume no objection will be made. These gentlemen, however, like the others, have expressed their willingness to leave if the government shall insist upon it. I, however, should greatly prefer that they remain. Such is also their desire, and I have therefore requested them to stay till I may be further advised of the final determination of the government. I do not understand that any offense is charged against them, except the bare fact of remaining in the legation, and if the government insists on their leaving it, then it will assume that I have no right to have guests or visitors in my house. This would place me in so anomalous and singular a position as would compel me to take different action than what I had intended, and therefore I hope the government will not insist upon it. I shall deeply regret the departure of Mrs. Thomas and Mrs. Eden, as their assistance to Mrs. Washburn is very necessary to her comfort and health.

Mrs. Thomas has served as a nurse, or "*ama de leche*," for nearly all the time she has been in my house, and at this time is in a very feeble state of health. In case that I do not hear of the return of the American gunboat (which I am now hourly expecting) within a very short time, it will therefore be my duty to my family to ask passports for them,

and facilities for their passage through the military lines, and thence to Buenos Ayres.

I take this occasion to renew assurances of distinguished consideration.

CHARLES A. WASHBURN.

His Honor GUMESINDO BENITEZ,
Acting Minister of Foreign Affairs.

Señor Benitez to Mr. Washburn.

[Translation.]

MINISTRY OF FOREIGN AFFAIRS,
Luque, July 12, 1868.

I have the honor to acknowledge the receipt of your excellency's note of this afternoon, in reply to that of yesterday from this ministry, in which your excellency is pleased to say that, being limited to a few hours, it was impossible to allude to the many points touched upon in my note, and your excellency was therefore obliged to defer a more formal reply until another occasion, observing, nevertheless, that you cannot entirely agree to my opinions concerning the rights and immunities of foreign ministers and legations. But as this circumstance does not affect the practical view of the case in relation to all the persons whom I had mentioned by their names, they had all, including Leite Pereira, stated that, in order to relieve you from all embarrassment on their account, they would voluntarily leave the legation; and of those whose names were given in as not belonging to the legation there would only remain Dr. Carreras, Mr. Rodriguez, and their servant, Mrs. Leite Pereira, presuming that no objection would be made to the residence of that lady in your house, as a friend and companion of Mrs. Washburn; that these gentlemen, nevertheless, have, like the others, expressed their desire of leaving if the government should insist upon it, and that you would much prefer they should remain, this being also their own desire, and for this reason your excellency has requested them to remain until informed of the final determination of the government, as you did not understand that any offense was imputed to them, except the simple fact of their stay in the legation, and that if the government should insist upon their departure, it would assume that your excellency has no right to have guests or visitors in your house.

Your excellency adds that this would place you in so anomalous and singular a position that you would be obliged to assume a different attitude from that previously intended, and consequently you hope that the government would not insist upon it—regretting very much the departure of Mrs. Thomas and Eden, as necessary for the comfort and health of Mrs. Washburn—and conclude that in case of not learning of the return of the American gunboat within a very short time, it would become the duty of your excellency towards your family to request a passport and facilities for their passage through the military lines, and then to Buenos Ayres.

Restricted, also, in point of time at my disposal in sending this communication, I shall limit myself to the principal points, and to those of moment, deferring to another occasion the reparation of any fault or

omission whenever you may do me the honor to send the formal reply announced.

I regret, Mr. Minister, that my opinions and conclusions concerning the right of immunities have not merited your excellency's approbation; but I will make new efforts whenever you shall please to manifest your own.

I am grateful to you for having wished, in spite of this discordance of opinion, to meet the desires of my government in permitting the departure to-day, from your hotel, of all the persons whom I had mentioned by their names, including Leite Pereira. But if I have mentioned some names in my note of yesterday, it was not with the intention of limiting myself to them in my request; and if I have used the names of some of the workmen, it was only to remind you that they still remain there. But I ought to hope that your excellency has arranged the matter satisfactorily, since you have had the courtesy to cause the Mrs. Thomas and Eden to depart, notwithstanding the fact that Mrs. Washburn needs their services.

It never was my intention to cause the least trouble to this lady, nor to her friend, Mrs. Leite Pereira, who, as your excellency has very justly presumed, may remain with her without any objection, as well as the Mrs. Thomas and Eden, whose departure to-day from your hotel I therefore regret; but, since it has been so, they will be informed to-morrow that they can return.

I have been pained, Mr. Minister, that you have thought proper to announce to this ministry that if my government should insist upon the departure of the Orientals, Dr. Carreras and Mr. Rodriguez, you would be obliged to take a different attitude from that previously intended, expressing the hope that for that reason I would not insist upon it.

The phrase appears to me so obscure that I should have troubled you for some explanation, in order to answer it, did I not believe that it was only dictated by the belief that those individuals were chargeable with no offense beyond their residence in the legation. It is not, however, the case. And I must now inform you that they are also demanded by justice, and in so peremptory a manner that I am forced to beg you to dismiss them before 1 o'clock to-morrow.

It is painful to me to have to solicit of you within so brief a time the dismissal of two guests more, who are urgently demanded by the tribunal of justice. I did not make this declaration in my previous notice, supposing that you would have no motives of preference towards them than towards other refugees; nor did I think it my duty to exchange another communication with you upon a subject of this nature, which has already given rise to a correspondence which my government has desired to avoid, preferring that the action of justice should find them in the street.

You will perceive that there exist offenses on the part of these Orientals, and that not only must they be brought before the tribunal, but that it is urgent that they should; and I trust that, though your excellency has examined them, and requested them to remain in your hotel, that whenever they shall show themselves disposed to leave it, now that you know that they are guilty, you will hasten to dismiss them.

This reply and the present conditions of the place of your residence relieve me from the necessity of entering into the question whether your excellency has or has not the right to have guests or visitors in your house.

I thank you for the information that within a short time you intend to send your family to Buenos Ayres.

I improve this opportunity to renew to your excellency the assurance of my distinguished consideration and esteem.

GUMESINDO BENITEZ.

His Excellency CHARLES A. WASHBURN,
Minister Resident of the United States of America.

Mr. Washburn to Señor Benitez.

LEGATION OF THE UNITED STATES,
Asuncion, July 13, 1868.

SIR: I have the honor to acknowledge the receipt of your note of yesterday, in which you advise me, after a brief resumé of what had passed in relation to certain persons who for some time past have been domiciled in my house, that in requesting all such persons who did not belong to the legation to leave it, I was correct in my presumption that there had never been the least intention on the part of the government in regard to those ladies the Señora de Pereira, Mrs. Eden, and Mrs. Thomas, whose longer residence in my house was desired by Mrs. Washburn, for reasons stated in my note of yesterday, to molest them or interfere with their remaining here. To this it is added that the two latter will be advised that they may return to-day. For this promptness and consideration of Mrs. Washburn you will please accept my sincere thanks.

You then add that, in regard to the longer residence of the Señors Carreras and Rodriguez, instead of being in no other way culpable than for remaining in this legation, they are claimed by the tribunals of justice, and in a manner so peremptory that it is expected they will leave this legation by one o'clock to-day.

Having advised these two gentlemen of the contents of your note, they manifested much surprise, but expressed their readiness to go at once and meet and refute any charges that may be made against them, and they actually left before the hour indicated.

It is with as profound regret as I ever experienced in my life to have two friends whom I very much esteem, and who have been my guests for some five months, leave my house under such circumstances, as I am fully persuaded that no accusation can be brought against them from which they will not triumphantly vindicate themselves. During their long residence with me we have naturally talked with entire frankness on every manner of subject, and it appears to me that if they had either of them ever committed or connived at any act criminal or offensive to the government of Paraguay I should have learned something of it. But I have not. The first-named, Dr. Carreras, it is well known, came to Paraguay to give any assistance in his power to the cause of this country against Brazil, risking his life and fortune to arrive here; but as his services here have not been made available, he has desired to leave it for the same object, believing that by going abroad he could have an influence in enlisting the sympathies, if not the active assistance, of one or more of the Pacific republics in behalf of this country. How such a man, whose innermost sentiments I know so well, could have committed any offense against a government he was so anxious to serve is beyond my comprehension. The same interest in the cause of Paraguay has always been evinced by Mr. Rodriguez. This gentleman, you will recollect, came to Paraguay in a diplomatic capacity, that of secretary of the

Oriental legation, of which he was left in charge at the departure of the minister, Señor Vasquez Sagastume. After the fall of the government which he represented his diplomatic functions were suspended, and he then desired to leave the country, but as yet has not been able to do so. Yet, as you are well aware, it is laid down by all writers on the rights of legation, that until they can depart from the country the members of a once accepted legation are entitled to certain immunities; and if any one commits an offense, the government to which he had been accredited is not authorized to try him, but may send him out of the country, and demand his punishment of his own government.

As both these gentlemen have held official position, Dr. Carreras the highest, save one, in his own country, their case will naturally excite great interest, and my own conduct in the matter will be severely criticised by my own government, and very likely by others, and should any grave and serious injury befall them I shall most likely be censured for not advising them to remain in the legation, unless taken out by force. But you are aware how exceedingly anxious I have always been to avoid anything that might lead to a rupture between this government and my own, and as I am convinced they will be able to vindicate themselves, I therefore have not done so. But I am exceedingly anxious that no serious evil shall befall them, for then I can have little desire to continue in a diplomatic career, but shall have much to leave it, and not expose myself to another so painful experience.

I have only to add that if these gentlemen or Señor Leite Pereira remain in this city, it will be a great gratification to me if I may be permitted to send their meals from my house, or other things necessary to their health or comfort. Will you please advise me on this point at your earliest convenience?

The colored servant of Dr. Carreras still remains with me in the capacity of a servant.

I avail myself of this occasion to renew assurances of distinguished consideration.

CHARLES A. WASHBURN.

His Honor GUMESINDO BENITEZ,
Acting Minister for Foreign Affairs.

Señor Benitez to Mr. Washburn.

[Translation.]

MINISTRY OF STATE FOR FOREIGN AFFAIRS,
Luque, July 13, 1868.

Again called upon by the judicial authorities, I beg your excellency will excuse me for molesting you once more, to request you to dismiss from your hotel the North American citizen Porter Cornelius Bliss, and the British subject George Masterman, accused of crimes not less grave than the others whose dismissal I have already had the honor to request.

I embrace this occasion to renew to your excellency the assurances of my distinguished consideration and esteem.

GUMESINDO BENITEZ.

His Excellency CHARLES A. WASHBURN,
Minister Resident of the United States of America.

Mr. Washburn to Señor Benítez.

LEGATION OF THE UNITED STATES,
Asuncion, July 14, 1868.

SIR: I have the honor to acknowledge the receipt of your note of yesterday, in which I am requested to send from my house the American citizen Porter C. Bliss and the English subject George Masterman, who you say are as gravely accused as the others that I have been asked to cease to shelter in the legation.

Respecting these two individuals, I have to say that I have always considered them as belonging to the legation. Mr. Masterman came to reside in it as medical attendant of my family in September last, and in my note dated February 24, but forwarded with my other note of April 4, his name is included as one of the legation. As no objection was then made, I considered that he was recognized as such by the government as much as any one in my house. The name of Mr. Bliss was likewise given as of the legation in both of the lists above referred to. In reply to my note of February 22, his excellency Señor Berges said that Mr. Bliss, not being in the class of servants, would confine himself to the legation premises, as he would be liable to arrest if found outside of them. For the last three months he has scrupulously done so, and besides has been of great assistance to me in my official duties, and so long as I remain in Paraguay I desire to retain him. Considering, therefore, as I do, both of these persons as members of the legation, I can have no discussion in regard to delivering them up or sending them from my house. Were I to do so, I should abdicate all my functions and rights as minister; for if I acknowledge the right of the government to take away one person whom I consider a member of my legation, I must concede it for all, and thus if it so pleased the government I might be left not only without a servant but without wife, child, or secretary. According to the reasoning of your honor in your note of the 11th instant, if it is only alleged that they are accused, I have no recourse but to deliver them up.

It is with a regret such as I have seldom experienced in my whole life that I observe, after so long a residence in Paraguay, where I have experienced so much kindness and courtesy from both government and people, and to which I have endeavored to respond in a manner that has nearly brought on a war between my country and your country's enemies, and which is still threatening hourly to do it, that I seem to have lost the confidence and respect of this government. That I had enjoyed them to a high extent until within a short period is amply shown both in official correspondence and in the columns of the official newspaper. But owing to my having received other persons into my legation than belong to it, or to my remaining in the city after its evacuation, or to some other cause of which I am ignorant, I seem to be regarded so differently that I do not see how I can be of any service to my own government, to that of Paraguay, or to any individual in it by longer remaining here. I had hoped to remain to the end of the war, and not to bid farewell to the people of Paraguay, who have carried on a war with a bravery and endurance that must render it one of the most remarkable in the pages of history, and give its illustrious chief magistrate and commander of its armies one of the most conspicuous places in the annals of the war, till I could do so seeing them in the enjoyment of that peace and prosperity that their valor and devotion had so nobly earned. But that hope I now see myself compelled to abandon. The course which I have felt it my

duty to adopt seems to have been so at variance with the views of the government that I do not see that I can be longer useful. I therefore have the honor to ask for passports for all persons belonging to this legation, and that facilities for leaving the country, such as comport with the character of an accredited minister, may be furnished with as little delay as circumstances may permit.

I avail myself of the present occasion to tender to your honor the assurances of my distinguished consideration.

CHARLES A. WASHBURN.

His Honor GUMESINDO BENITEZ,
Acting Minister for Foreign Affairs.

Señor Benitez to Mr. Washburn.

[Translation.]

MINISTRY OF STATE FOR FOREIGN AFFAIRS,
Luque, July 16, 1868.

I have the honor to acknowledge the receipt of your excellency's note of the 14th instant, refusing to dismiss from your hotel Porter Cornelius Bliss, North American citizen, and George Masterman, English subject, the first as belonging to the legation and as being very useful to you in your official duties, and the second as physician of your family, desiring therefore to retain them as long as you remain in Paraguay; and you say that the names of these individuals were presented to this government ministry as belonging to the legation; that in fact Masterman came to reside in your house in the above capacity in September last; that in your note of the 24th February, detained until the 4th of April and sent with another of the same date, this name is included as belonging to the legation; that as no objection was made you considered him as recognized by the government; that the name of Mr. Bliss was also given in both lists as belonging to the legation; that in the note of this ministry of the 22d of February it was stated to you that as Mr. Bliss does not belong to the class of servants he should be confined to the rear of the legation premises in order not to be subject to arrest in going out, which he had scrupulously done during the last three months; that considering these two persons as members of the legation, you cannot enter into any discussion relative to delivering them up or sending them out of your house; that if you should do so, it would be an abdication of all your functions and rights as minister, since if you were to recognize the right of the government to take away any person whom you may consider a member of the legation you would have to cede it in respect to all, and thus might be left not only without a servant, but also without wife, child, or secretary; that according to my humble reasoning of the 11th instant, from the moment that I should allege that they are accused, your excellency has no other resource than to deliver them up.

You say that it is with regret, such as you have rarely experienced in all your life, that after so long a residence in Paraguay, where you have experienced so much kindness and courtesy from both government and people, and to which you have endeavored to respond in a manner which has almost caused a war between your country and the enemies of mine, and which is still hourly threatened, it should yet appear that you have lost that confidence and respect of this government which you still enjoyed to a high degree until recently, as is amply proved as well by

official correspondence as by the columns of the official paper; but that through having received in the legation persons who do not belong to it, or through having remained in the city after its evacuation, or for some other unknown cause, it seems to you that you are regarded so differently that you say you cannot see how you can be of any utility to your government, nor to that of Paraguay, nor to any individual in it, by longer remaining here; that you had hoped to remain until the end of the war, and not say good-bye to the Paraguayan people, which has sustained a war with a bravery and abnegation which must render it one of the most notable in the pages of history, and give to its illustrious magistrate and commander of its armies one of the most conspicuous places in the annals of war, in which you had hoped that your name would have a place as honorable as you could make it, leaving the country in the enjoyment of peace and prosperity so nobly acquired by its valor and abnegation; but that now you see yourself obliged to abandon this hope, and that the course which you had thought it a duty to follow appears to have been so opposed to the views of this government that you do not see that you longer can be of any use. And you conclude by saying that for this reason you have the honor to ask passports for all the persons comprising that legation, and that as soon as circumstances may permit, facilities may be given to you such as belong to the character of an accredited minister, in order to leave the country.

In fact, Mr. Minister, along with your note of the 4th of April there was delivered another, under date of February 24th, in which appears George Masterman, apothecary, dismissed by this government from its service, without specification of his quality in the legation; and being already aware that you had obtained his complete liberty in order to perform a certain service, I did not hasten to have his character specified, nor to refuse to recognize him. I confided that although having antecedents very little honorable, you would cause him to comport himself well in your hotel, and that the case now presented would not have offered. Besides, there was no objection, since I have considered Masterman as continuing in the service for which he had been put at liberty, and it will be very painful to my government that on account of a gracious concession on its part in favor of and for the service of a minister of a friendly nation, he should have gained access to the hotel of your embassy to become criminal with impunity, pretending to shield himself with the immunities so justly respected in the representatives of nations. I cherish the hope that you will not see in this a recognition by my government of Masterman as a member of the legation of the United States, with immunities.

Mr. Porter Cornelius Bliss arrived in the country for the second time two months after the breaking out of the war with Brazil, and solicited a contract for a literary labor with the government, and it was conceded to him. From that time he remained in its service and pay. This ministry has seen with surprise that its contracted servant, without having fulfilled his promises, and with pecuniary liabilities on account of this same service, and without previous notice, was enlisted by you as a servant.

It was then that, knowing that Mr. Bliss was also of no small utility to you, it was permitted that he should remain in Asuncion with you, but not in the quality of servant, which was not recognized in him; and it was then inexplicable for this government that Mr. Bliss, being received in the best society—that which you yourself cultivate—he should show such abnegation as to engage as your servant. I wish to hope that this

account cannot be alleged as a recognition of immunities for the person demanded.

When you spoke of but three months of scrupulous fulfillment of the conditions imposed, you doubtless overlooked other months in which Bliss lived outside of the legation, to which he only came after the imprisonment of Mr. James Manlove, also enrolled as a servant of the legation of your excellency at the same time with Bliss, enjoying the same social treatment, and to-day also on trial for the same crime.

Leaving aside the circumstances under which these two individuals have arrived in the country, does not your excellency find something irregular and not easy to be explained in this conduct? But as you refuse to enter into any discussion relative to the giving up or the dismissal of these individuals, I will leave aside all that I might say, appealing to the justice of your excellency with the simple narrative of facts which I have just made, and the information that Masterman and Bliss are important members of a combination which, by agreement with the enemy, was to have broken out shortly in the country for the overthrow of its government, and the extermination of the army which combats for its existence, which information will undoubtedly suffice to cause the minister of the United States of America to expel such infamous criminals from his hotel.

This declaration, made after that which I had the honor to set forth in my note of the 11th instant, when you asked for a specific statement of the charges against the culprit Leite Pereira, and after what I have said above, is certainly not the discharging of a duty, but a friendly information, that the intruders in your legation have sheltered themselves there, abusing the good faith and generosity of your excellency, in order afterwards to abuse criminally its immunities.

I would have wished to spare you so great an annoyance, but the reminder which you make of your long stay in Paraguay, the apprehension with which you seem to be possessed of having lost the confidence of my government, the fear expressed of being no longer useful, neither to the government of the United States nor to that of Paraguay, nor to any individual in it, along with the doctrine that by permitting the trial of George Masterman and Porter C. Bliss you would have to yield all privileges, and might be left without a servant, without wife, without child, or without secretary, are the causes which have decided me to it.

I cannot understand the opposition which you find between your conduct and the views attributed to my government, and still less can I understand the reason of the fear that the name of your excellency will fail to occupy an honorable place in the history of our war, though indeed I presume it will be painful for you as it is for me to find in the hotel of your excellency criminals of such a character.

Certainly my government did not regard as an act of cordial friendship the permanence of your excellency in Asuncion for an indefinite time, with such a number of refugees, and without apparent motive, after its entire evacuation; but with frank friendship it has manifested its regret, and if you did not find it convenient to accede to the desires of the government, this circumstance has not sufficed to cause a withdrawal of confidence.

A proof of this is found in the fact that this ministry made no complaint except when it became my duty to accuse you of lack of respect to my note of June 28th, in thinking it your duty to refuse the delivery of the culprit Leite Pereira, then recently arrived for shelter in your hotel.

A rapid review of all the correspondence of this ministry, and of the columns of the newspaper which your excellency cites, will suffice to

destroy the idea of lack of that confidence and respect on the part of my government which it has taken pleasure in demonstrating towards the representative of the American Union and his worthy family, who for the first time broke the blockade.

Strengthening thus my note of the 13th concerning the dismissal of G. Masterman and Porter Cornelius Bliss, to be delivered up or sent away, I am persuaded that you, thus informed, will hasten to expel from the hotel of your legation those who, bathing the national soil with fratricidal blood, pretend to undermine the just title to the sympathy of your excellency which the abnegation and great sacrifices of my country have acquired, as well as those which the singular and conspicuous services which its supreme magistrate and general-in-chief of its armies, Marshal Lopez, has conquered in this struggle.

As your excellency is pleased to base upon the fears already mentioned the painful situation in which you find yourself, of having to renounce your desires of not leaving Paraguay until the conclusion of the war, and your consequent request for your passports, I shall await to know if I have not been fortunate enough to have dissipated them, and shall afterwards ask the orders of his excellency the Marshal President of the republic respecting the said passports and facilities.

Having offered you in my note of the 12th instant that the Mistresses Thomas and Eden would be advised that they may return to the house of your excellency, it is now my duty to mention that having informed them of this concession they have replied that they would by no means return, perhaps because you yourself have not spoken to them, and for whatever may occur I inform you that concession still remains in force.

I improve this occasion to renew to your excellency the assurance of my distinguished consideration and esteem.

GUMESINDO BENITEZ.

His Excellency CHARLES A. WASHBURN,
Minister Resident of the United States.

Mr. Washburn to Señor Benitez.

LEGATION OF THE UNITED STATES,
Asuncion, July 20, 1868.

SIR: I had the honor to receive your note of the 16th instant on the following day, a little before noon. In this note, which is in answer to mine of the 14th, you, after giving a resumé of the contents of mine, proceed to give an account of the circumstances under which Mr. Porter C. Bliss and G. F. Masterman came into this legation.

In regard to Mr. Bliss you remark that soon after coming into the country he sought a contract for literary labor with the government that was conceded to him, and that from that time he had remained in its service and pay. Mr. Bliss informs me that he never had any written contract with the government, but was told he should receive certain compensation for the literary labors he was to perform; that from time to time he has received certain sums of money in payment of labor already performed, and that the amount received has not exceeded the sum due him. Such being his circumstances, I cannot see any good reason why I should not have admitted him into the legation and given him employment. You express surprise that I should have received a man of Mr. Bliss's attainments and social position into the legation in

the capacity of servant. You will permit me to observe that I think a wrong construction has been put on the word "service," as employed in my note of the 22d of February. In saying that I had found it necessary to take more persons into my service than I had previously employed, I did not say in what capacity they were engaged. Mr. Bliss I needed as translator, and Mr. Masterman as medical attendant to my family, and as the peculiar qualifications of each were so well known I considered that it would have been entirely superfluous to state in what capacity they were employed. Nor do I find in consulting the most eminent authors on international law that ministers are ever required to state the capacity or character of the persons pertaining to their legations. It is enough that their names are given in, and, if not excepted to, they are thenceforth entitled to all the privileges of the legation.

In answering my note of 22d February, his excellency Señor Berges expressly recognized Mr. Bliss as belonging to the legation, but requested that, as he would not be known to the police as one of my servants, he would confine himself to it. In fact, he is the only person now in my house who ever has been recognized formally and in an official note. For some time after the order of evacuation was issued, Mr. Bliss and the most of those who came at that time to reside within my premises did not strictly confine themselves to it, though they never went far away from it. Mr. Bliss even continued to sleep in his own house opposite, and used to come and go in full sight of the police, and as he was never molested, concluded it was a matter of indifference to the government whether he still occupied his own house or confined himself to the legation. Indeed, when our unfortunate countryman, Mr. Manlove, came to grief, he went to the police office with him as interpreter, and, after his detention, took his meals to him for several times, so that I never could suspect his being a member of the legation could be questioned. He did not, as you intimate, seek refuge in my house. On the contrary, it was at my express request that he entered my service, though not as a servant, at a time that I thought his services would be most useful and necessary. You will, therefore, I trust, admit that, having accepted him as a member of this legation and given official notice of the fact, which notice was acknowledged, I cannot now repudiate him.

Respecting the case of Mr. Masterman, you say that it will be very painful to your government that, on account of a gracious concession to the minister of a friendly nation, he should have gained accession to this embassy to become criminal, and with impunity, under the immunities which are justly respected by the law of nations.

It cannot be so painful to you or to your government that anything of that kind should occur, as it is to me. To have my confidence abused in that way would show a degree of ingratitude of which I would fain hope no man is capable. But, if it has been so abused, and all that Mr. Masterman has been accused of shall be proved true, the law of nations prescribes a course for me entirely different from that proposed by your honor.

The law of nations, as you are aware, is very clear and explicit, not only in regard to the rights and immunities of ministers, but to all persons pertaining to their legations. "Such persons," says Martens, (*Law of Nations*, book vii, chap. 9, note,) "are placed under the protection of the law of nations, and are consequently not submitted to the jurisdiction of the country which they inhabit, even though it may be their own. They cannot be tried for any of their civil or criminal actions, except by the state represented by the minister. The legislation of the principal states of Europe is positive on this point. * * * From the time that

the persons of the minister's suite leave his service they can be tried by the laws of the country where they are, if they are not subjects of the sovereign represented by the minister; in the contrary case the minister cannot consent to their extradition or to their being put in judgment for things done previous to their leaving him." Thus you will see that if Mr. Bliss and Mr. Masterman were accused of specific crimes or offenses committed while in my legation, and had left it, according to this great writer, who, next to my own countryman, Mr. Wheaton, is generally regarded as the highest authority of modern times on matters of international law, I "could not consent to their extradition or to their being put in judgment," except in their respective countries.

Says Wheaton, (part iii, ch. 1, sec. 15,) in speaking of the immunities of a minister: "This immunity extends not only to the person of the minister but to his family and suite, secretaries of legation and other secretaries, his servants, movable effects, and the house in which he resides. (Section 16:) The wife and family, servants, and suite of the minister, participate in the inviolability attached to his public character. * * * In respect to criminal offenses committed by his domestics, although in strictness the minister has a right to try and punish them, the modern usage merely authorizes him to arrest and send them for trial to their own country."

Vattel, and all authorities on international law, so far as I have been able to consult them, agree substantially with those I have quoted; and the law being thus clearly and explicitly laid down, I would ask you whether you would have me respect or violate it? Of course you will say respect it. How, then, shall I send these members of my legation from my house, even though they be accused, without a direct and palpable violation of my duty as a minister?

Your honor adds that after the representations made, you lay aside the question whether or not these persons belong to the legation, and leave it to my sense of justice to expel them from my house after your narrative of facts, and the information that both Bliss and Masterman are important members of a combination which by agreement with the enemy was to have broken out shortly in the country, for the overthrow of its government and the destruction of the army that combats for its existence. That neither Masterman nor Bliss are members of such a combination of course I cannot prove, for to prove a negative is generally impossible. But if it shall be proved on full investigation that they are members of such a combination, I shall be more astonished than I ever was before. Ever since the evacuation of the city, Mr. Masterman, who is much addicted to scientific studies and investigations, has lived the life of a recluse, and had scarcely any communication with any one outside the precincts of the legation; while if Mr. Bliss, who has been all the while so intimate, so frank, so confidential on all matters with me that I supposed I knew every thought, and hope, and aspiration of his existence, has, as is alleged, been engaged in a great conspiracy all this time against the government, he is such an actor as would do infinite credit to his own dramas. He should at once drop the pen, and assume the sock and buskin.

Your honor will permit me to observe that the assumption that a person is guilty because he is accused, is in direct opposition to the principles of the common law. It is a maxim of this universal law that every man is innocent till he is "proved" guilty; but you appear to take the ground that as soon as a man is accused he is necessarily guilty, and you ask me to treat Mr. Bliss and Mr. Masterman as being so before a trial

or before an examination, and before a particle of proof of their guilt has been given me. I must be governed by the laws of my own country, and according to them I must have the proofs of the offenses charged against a man before I can treat him as being guilty. You, however, adduce no proof, nor do you give me a particle of the evidence on which your charges are founded, and ask me to treat them as if guilty of high crimes.

The law of nations clearly prescribes the course to be followed when persons, members of a legation, are found to be engaged in any unlawful acts. It says that the government which it has offended may ask that they shall be sent to their own country to be tried, when the minister will be bound to comply with the request. Therefore if the charges and proofs against Mr. Bliss and Mr. Masterman shall be furnished me, with request that they should be sent to their respective countries to be tried, I shall then have no alternative but to comply, and at the first opportunity send them away—the one to the United States, the other to the custody of the English minister in Buenos Ayres. This course, it is hoped, will be satisfactory to the government of Paraguay, as it will remove persons obnoxious to it from the country, and will subject them to trial according to the laws of their own countries; and as there is little doubt that an American gunboat will soon be in these waters, there will probably be but little delay in carrying it into effect.

You will admit that I had good reason to be surprised at the statement in your last note that a combination had been formed which, by agreement with the enemy, was to have broken out shortly in the country, for the overthrow of its government and the extermination of the army which combats for its existence. That something of a dangerous character had been discovered I had previously supposed from having learned that certain energetic and unusual measures had recently been taken by the government. But of its form or extent, or of the persons implicated in it, I had not the most remote idea. Such conspirations not unfrequently happen during long periods of war, but I did not suppose there were men enough in Paraguay to make such a combination at all formidable who would have the folly to attempt it. There may have been men bad enough to attempt it, but I did not suppose there were any so foolish as to engage in a combination that could not offer any other issue than their own ruin. Your note of the 16th, however, convinces me that something of the kind has been attempted. But I cherish the hope that it will be found, after full investigation, that it is not so extensive as may have been apprehended; and I am very anxious to know, as I now confidently believe, that it will appear to be confined to a circle with which no person who has ever lived in this legation had any relations, connections, or intimacy, and I am fully persuaded that such a result of the investigation is the one that is most desired by his excellency Marshal Lopez.

Having thus reviewed at length the contents of your note of the 16th, I regret to find that my views of my duty differ as widely as ever from those expressed by you, and that, consequently, I see little prospect of being able to be personally useful by longer remaining here. For reasons your honor can well appreciate, I should have preferred to await at least the solution of the question of the passage of the American gunboat above the blockading squadron. Of course, if I remain, it will come sooner or later, if it takes the whole American navy to force its way. I apprehend, however, that rather than provoke a war with the United States the gunboat will be permitted to pass unmolested, and you will readily believe that I have no desire to save the allies from another such

humiliation as they were subjected to at the time of my last arrival in Paraguay.

I improve this occasion to tender to your honor assurances of high regard and consideration.

CHARLES A. WASHBURN.

His Honor GUMESINDO BENITEZ,
Acting Minister of Foreign Affairs.

Señor Benitez to Mr. Washburn.

[Translation.]

MINISTRY OF STATE FOR FOREIGN AFFAIRS,
Luque, July 19, 1868.

Your excellency not having chosen to send away, up to sunset to day, the accused individuals, George Masterman and Porter C. Bliss, nor reply to my note demanding these criminals, and being pressed by the requirements of justice, I for the third time request their expulsion or delivery, begging you to take into consideration the urgency of the case and the grave character of their crime, in view of the situation of the country, informing you that the persons in your service who are sent outside of the plaza to procure provisions are accused of being conductors of communications of the enemy to the refugees of your hotel, and their replies.

As I fear I shall molest you, and not being so pressed in this matter, it may be that I shall not solicit the appearance of those persons before the tribunal, thus offering you a new proof of high consideration and respect; and not doubting that you will take the necessary measures for the internal service of your house to put an end to such a grave abuse of its just immunities, I improve this occasion, &c., &c.,

GUMESINDO BENITEZ.

His Excellency CHARLES A. WASHBURN,
United States Minister.

Mr. Washburn to Señor Benitez.

LEGATION OF THE UNITED STATES,
Asuncion, July 20, 1868.

SIR: Since closing my note in answer to yours of the 16th instant, I have had the honor to receive your note of yesterday, in which, after again requesting me to send Mr. Bliss and Mr. Masterman from my house, you state that the persons in my service who have been accustomed to bring provisions from beyond the limits of the town are accused of having conveyed communications between the enemy and the persons sheltered in my house. You add that, in order not to molest me, you do not solicit their appearance before the tribunals, thus giving another proof of high consideration and respect for myself, not doubting that I shall take the necessary measures to put a stop to such abuse of the legal immunities.

For these expressions of a desire not to molest me, you will please accept my sincere thanks. I have advised the only servant I have, who

is accustomed to go beyond the city limits, that he must not bring or carry any note, message, or communication of any kind, to or from any other person than myself or Mrs. Washburn. This servant tells me that he has never carried any messages or notes of any kind except the requests of persons living in the legation to the occupants of the houses where they had before resided, to send them books, clothes, and such other things as might be necessary for their use and convenience. Even that service I have now prohibited him from doing, and should he be found to disobey me I trust I may be informed of it, that I may instantly discharge him from my service. Respecting the case of Mr. Bliss and Mr. Masterman, I beg to refer you to my other note of this date, in reply to yours of the 16th.

I avail myself of this occasion to express my distinguished consideration.

CHARLES A. WASHBURN.

His Honor GUMESINDO BENITEZ,
Acting Minister of Foreign Affairs.

Señor Benitez to Mr. Washburn.

[Translation.]

LUQUE, July 21, 1868.

I have the honor to acknowledge the receipt of your two notes, in which, under date of yesterday, you acknowledge receipt of mine of the 16th and 19th instant, and refuse to permit that the criminals accused of high treason to the country, in combination with the enemy, George Masterman and Porter Cornelius Bliss, appear before the tribunals.

In anticipation of the occasion of forwarding my formal answer, I notify you that, by agreement of the traitors with the enemy, the latter was to execute certain movements on or before the 24th instant; and as it appears probable that these criminals may escape from your house, if they should not be previously imprisoned, I have the honor to say to you that my government would view with the greatest pain an occurrence of so much importance, which would once more surprise the good faith and confidence which Mr. Washburn pleases to manifest towards these criminals, thinking it his duty to discuss and delay up to the present time the apprehension of individuals so dangerous to the national cause, without having been sufficient all the moderation and courtesy with which this ministry has treated so grave a question. I beg of you the honor of the speediest possible answer, and I improve this occasion to renew the assurances of my distinguished consideration.

GUMESINDO BENITEZ.

His Excellency CHARLES A. WASHBURN,
Minister Resident of the United States of America.

Mr. Washburn to Señor Benitez.

LEGATION OF THE UNITED STATES,
Asuncion, July 22, 1868.

SIR: I have the honor to acknowledge the receipt of your note of yesterday, in which you advise me that the treasonable combination with the enemy was to have made certain movements on the 24th of this

month, and it was apprehended that the persons in my house, accused of being engaged in it, would seek to escape from it if they were not previously made prisoners, and you add that your government will view with great regret that they should escape and thus abuse my confidence again, and in conclusion you ask an immediate reply.

To the apparent haste in which you seem to have been I may probably attribute the fact that you make no mention of the reasons given by me in my note of the 20th why I could treat no one as criminal till I had the proofs of his guilt. Nor do you, probably for the same motive take into consideration the reasons I gave why in conformity to the law of nations I could not surrender for trial by the authorities of the country these two members of my legation. But as you say that the combination of treason was to have broken out on the 24th, and that it appeared probable that these persons would then attempt to escape from my house, it appears that further security is desired that they will not do so.

Though not participating in your opinion in regard to the criminality of these individuals, and being entirely ignorant of the nature and extent of the combination to which you allude, I am nevertheless disposed to do all in my power, and all that is consistent with my duty and respect for the law of nations, to facilitate the government in all measures of prevention or security. I will, therefore, undertake to hold Mr. Bliss and Mr. Masterman close prisoners in this legation, till I can send them out of the country, or till such time as the government may not object to their being set at liberty.

I take this occasion to renew assurances of distinguished consideration.

CHARLES A. WASHBURN.

His Honor GUMESINDO BENITEZ,
Acting Minister for Foreign Affairs.

Señor Benitez to Mr. Washburn.

[Translation.]

MINISTRY OF STATE FOR FOREIGN AFFAIRS,
Luque, July 23, 1868.

I have the honor to request of you the immediate delivery of a sealed package of communications, which the ex-minister of foreign affairs, José Berges, delivered to you in his residence at Salinares, when, on the afternoon following the arrival of Berges from San Fernando to Asuncion, you visited him in that house, where you personally took charge of the said packet in order to keep it, as in fact, on arriving at your legation at nightfall, you went with it to your office.

This packet being, Mr. Minister, of great importance to my government, you will allow me to request its delivery to the officer who bears the present communication.

I improve this occasion to salute your excellency with distinguished consideration.

GUMESINDO BENITEZ.

His Excellency CHARLES A. WASHBURN,
Minister Resident of the United States of America.

Mr. Washburn to Señor Benitez.

LEGATION OF THE UNITED STATES,
Asuncion, July 23, 1868.

SIR: The note of your excellency of this date has this moment been received. In it I am requested to deliver to the bearer a sealed package of communications that was delivered to me by Señor Don José Berges at his house in the Salinares the day after his return from San Fernando. In answer to this I have the honor to advise you that I did not know of Señor Berges's return till several days afterwards; and that when I did hear of it I learned also he was very sick at his quinta, and called, according to my diary, the 22d of June upon him, as I was going to take a paseo, and found him in bed in his house. I do not remember how long that was after the return of Señor Berges, but I think it was a week or more, but he never gave me any package or communication, or letter or message of any kind. We talked about the condition of the war and of other things of a casual nature, and the only thing that I remember is that he said the Brazilians could not hold out much longer; that their credit was exhausted, and several provinces were already in revolt. On taking my leave he begged me to come and see him often, which I promised to do; but I never called but once afterwards, and that was with Mrs. Washburn, according to my diary, on the 3d of July, when I found him still in bed. His talk then was very similar to what it had been on the previous occasion, but neither then nor at any time has he ever given me any package or communication whatever. You must, therefore, be entirely misinformed in regard to the package concerning which you inquire. I have never received anything of the kind, nor have I received from him any communication, either verbal or by letter, since his return from San Fernando.

I avail myself of this occasion to tender assurances of distinguished consideration.

CHARLES A. WASHBURN.

His Honor GUMESINDO BENITEZ,
Acting Minister of Foreign Affairs.

Señor Benitez to Mr. Washburn.

[Translation.]

MINISTRY OF STATE FOR FOREIGN AFFAIRS,
Luque, July 23, 1868.

Before having had time to reply to the note of your excellency bearing date 20th instant, as I had offered in mine of the 21st, I have received the reply which you have given to this last, and I proceed to reply to both.

First of all, I must explain the apparent haste, of which you accuse me with so little politeness in your reply of yesterday. Since my haste was not apparent, but real, and moved by the friendly interest of preventing a complication by a new abuse of your confidence, by the criminals whom you protect, I have considered that confidence real and noble, and not apparent, as you classify my haste, and that is the explanation of my conduct in respect to that note.

I have not forgotten in it, as you think, that you had just given me

your reasons, declaring that you would not give up Masterman and Bliss for their trial by the authorities of the country, considering them as members of your legation. I only wished to point out to you a traitorous possibility, hastening to forewarn your excessive confidence towards the criminals of your house, while I proposed to offer to you a detailed reply upon the points on which you appear to base your resistance in your note of the 20th.

I have not permitted myself to request of you to keep as close prisoners in your legation Porter Cornelius Bliss and George F. Masterman, and it belongs exclusively to you to do what is most befitting the internal service of your house.

I have fulfilled a duty which I judged to be one of courtesy. It is now my duty to express to you that from your own house correspondences from the enemy's generals are received and replied to, treating of the details of the plot; and when you insist withal in the terms employed, and do not wish to believe in an ingratitude, I am obliged to fear that the same conduct is still observed in your house, in which they have been before shut up as well as now, I suppose, since they have not appeared on the street.

It is not I, Mr. Minister, who have said to you that the complot had been combined to break out to-morrow, but I thank you for the intelligence.

I should have much to say concerning the account which you have received from Bliss, respecting his contract with the government, and its fulfillment on each side, but that is not the question of the moment, and your excellency knows that my government makes no question of interest, nor can it recognize you as its judge in the matter.

Your excellency says that, in fact, the only person formally recognized in an official note, as a member of the legation, is Porter Cornelius Bliss, referring to the note from the department of the 23d of February; but I cannot attribute this assertion, except to some painful mistake on the part of your excellency, since I have before me that note, and I find nothing which authorizes me to believe so. On the contrary, the third paragraph of that note expressly and virtually disclaims the quality of members of your legation in the citizens Bliss and Manlove; and if the condition of not appearing upon the street was imposed upon them, it was assimilating them to the refugees in your hotel, without its appearing that they were considered in any other capacity.

In corroboration of this assertion I will remind you that in my note of the 29th of March last I had the honor to say to you that the said Bliss and Manlove could not go out of the legation, and that only on that condition were they tolerated in the house of your excellency.

Besides, as you know, the specialty of the case, the circumstances of the country, and the residence of your excellency in a purely military post, showed the necessity of the express consent of the government, in order that individuals proposed for members of that legation might be recognized in that capacity.

For the rest, if I have reminded you that Porter Cornelius Bliss has not lived up to the conditions recommended in the note of the 23d of February, it was only to remind you that more than the three months of which you spoke in your note of the 14th instant, and that that recommendation had not been so scrupulously fulfilled. If there were any words badly translated in the notes exchanged at that time, the responsibility of the error falls upon you for not having rectified it at the time.

I will not trespass on you by undertaking the task of persuading you still that your confidence has been abused by the criminals demanded.

since my official declarations have for you less importance than their own statements.

As little do I wish to weary you with a long series of transcriptions from international law to satisfy your scruples, for fear that you might accuse me of not wishing it to be enforced in favor of your "protégés," Porter Cornelius Bliss and George F. Masterman, and also because I do not consider this to be the place.

Nor shall I give you more specified details concerning the accusations against the said criminals, since I am notified beforehand that you will not permit them to be tried by the authorities of this country, but Porter Cornelius Bliss only in the United States, and George F. Masterman in England, as members of the American legation.

Nevertheless, I will observe that your excellency appears completely to confound the condition of the country in full and exterminating war, with an absolute blockade and a horrible and atrocious crime, with a normal and not very pressing situation, and an ordinary crime of less danger and less immediate consequence. Could you, who are so familiar with the great authors, cite me a case analogous to that which you sustain? Does it not seem to you that if the immunities of a minister were to reach such an extreme as that to which you pretend to carry yours, there would be no nation in the world which would wish to accept an embassy?

Since the national justice does not seek the suffering of any man, but the investigation and chastisement of the crime, in order to put an end to the fatal development of a plot as wicked as inhuman, does it not seem to you probable that when the republic shall be saved the government will excuse itself from sending its attorneys, (*fiscales*,) one to the United States and another to England, to substantiate an accusation, and call for the chastisement of Porter Cornelius Bliss and George F. Masterman, who, without any character whatever, and begging their bread, have arrived at the shores of this country to constitute themselves later the agents of the enemy and instruments of commotion and intestine revolt, and who had not appeared before the tribunal, because, after having become criminals, they had obtained access to the legation of a friendly power, in order to continue thence with impunity so iniquitous a work?

Does your excellency think that the minister who shelters such criminals under his flag and his immunities is in the perfect exercise of international-law privileges? The exercise of that law thus understood, for the safeguard of such individuals, can it be considered as an act of obliging friendship?

Let your excellency add to this that Porter Cornelius Bliss has signed in a secret committee of reciprocal obligation, swearing the treacherous assassination of the President of the republic.

I cannot but declare categorically to you that this ministry does not recognize, nor has it ever recognized, Porter Cornelius Bliss, American citizen, and George F. Masterman, British subject, as members of your legation, and consequently I cannot accept a discussion with your excellency upon that basis. I regret, Mr. Minister, that my friendly representations in previous notes have not been able to avoid the present statement, and I am under the unavoidable obligation of again requesting the expulsion of these criminals from your hotel before sunset on the 25th instant, in doing which you will not only act with justice, but according to the law of nations.

I also regret to see that your excellency has so little hope of being personally useful by remaining longer in the country. I thought that

the representative of a friendly nation would take pleasure in seeing frustrated a great conspiracy formed to facilitate the triumph of the enemies of my country, whose cause has merited the sympathetic interest of the government of the American Union.

I will not conclude without thanking your excellency for the mention you have made concerning the American fleet forcing a passage, as well as for your opinion that, rather than provoke a war with the United States, the gunboat will be allowed to pass without molestation, and, above all, the security given that your excellency has no desire to spare the allies another humiliation such as that experienced upon the occasion of your last arrival in this country.

I improve this occasion, &c.

GUMESINDO BENITEZ.

His Excellency CHARLES WASHBURN,
Minister Resident of the United States.

Mr. Washburn to Señor Benitez.

LEGATION OF THE UNITED STATES,
Asuncion, July 25, 1868.

SIR: I have the honor to acknowledge the receipt of your note of the 23d, in which, after discussing some points of courtesy, you proceed to give your reasons why Porter C. Bliss and George F. Masterman should not be regarded as members of this legation, and should be expelled from it by me. As regards the questions of courtesy, I have no wish to enter upon them at this time. If the danger is so imminent as you allege, it is better to leave all discussion on points of courtesy until more quiet times, when on review of what is past it will doubtless be easy to explain, justify, or excuse anything that may have appeared hasty or inconsiderate at the time. I therefore come to the more serious matter of your note.

In this you tell me that from my house correspondence from the enemy's generals are received and replied to, treating of the details of a plot, and expressing a fear that the same conduct is still continued. You then add that it is not you who have said to me that the complot had been combined to break out on the 24th instant, and that you thank me for the information. Certainly your note of the 21st gave me the first information that I had that anything particular was to be attempted on that day. From that note I make the following quotation: "Mientras pueda dar á Y. E. la debida contestacion vengo á prevenir á V. E. que por la combinacion de la traicion con el enemigo, este debia ejetuar ciertos movimientos para el dia 24 del corriente." This is all the information I have had on this point, and in my reply on the 22d I say that you advise me that the treasonable combination with the enemy was to have made certain movements on the 24th, thus giving in an almost literal translation of your own words the "noticia" for which you thank me; certainly it appears to me that the thanks are due from me to you, rather than from you to me. The first knowledge I had of the matter was contained in your note of the 21st.

Respecting the question whether Mr. Bliss and Mr. Masterman are or are not rightfully and legally members of this legation, I waive all discussion at present; I have assumed, as I believe correctly, that they

are; and if now I were to recede from that position, it would appear weak, and would be a confession that I had acted illegally in sending them away, for which act I should be arraigned and censured by my government. I may be in error in my judgment, but holding the opinions that I do, I have no other course to pursue than give them the protection of my legation until I can send them to their respective countries to be tried. If the government of Paraguay should feel itself justified in taking them away by force, all nations of the civilized world will be called upon to pronounce upon the legality of the act. I may be condemned for error of judgment, but I shall certainly be commended for insisting to the last on the rights of legation.

In thus insisting on the rights of legation, I trust you will believe that it is from no desire to shield criminals. If the parties to whom I have given shelter and hospitality have, in the mean time, been engaged in a plot or conspiracy against this government, there is no person in the country, save those whose lives were threatened—and, for anything I know, I may have been included in the number—who has so much reason as I have to desire that justice should be done, or the criminals punished. And it is due to myself and to my government that I should give all aid in my power, that I can legally and consistently do, to aid in the discovery of the criminals; and if you have any questions to ask respecting any suspected person, and I can give you any information that might be of use in ascertaining the truth, I shall be most happy in a friendly and unofficial way to do so.

I regret to observe that you remark your official declarations have less weight with me than the statements of the accused parties. I do not assume the character of a judge; I only say that being, as I consider, members of my legation, they are not liable to be tried by the tribunals of Paraguay.

The government, however, if convinced that they are not members of this legation, may pursue them as criminals and fugitives, and the writers on international law have prescribed how such characters may be lawfully and properly taken from the house of a foreign minister. It will not be for me to complain that any criminal is taken by force from my legation; but the responsibility of the act will then be upon the government of Paraguay, and not on the minister who had surrendered them, believing that he ought not to do so.

To the specific charge made against Mr. Bliss I will not allude, lest again you should thank me for information that I had only derived from you. I can only say in regard to him, that if the charge be substantiated there is no person in the world who will have so good reason as myself to demand his punishment. And I have full confidence that my own government will administer firm and inflexible justice. Does the government of Paraguay doubt it?

To the remarks of your honor that you regretted that I had so little hope of being longer useful by remaining in the country, and that you thought that the representative of a friendly nation would take pleasure in seeing frustrated a great conspiracy formed to facilitate the triumph of the enemy, I would reply that I fully agree with you. As I said before, I have more reason than almost any other person to desire that the whole affair should be thoroughly investigated, and the guilty parties punished. When I wrote my note of the 14th instant I had no idea of the accusations that would afterwards be brought against the persons to whom I had given shelter and hospitality. But when I was asked to deliver up or send from my house two persons whom I had considered

as members of my legation, I thought that if the government insisted on that, and my legation privileges were to be denied, I ought not longer to remain in the country.

There are other points in your note to which I may hereafter have occasion to allude, but as they do not affect the immediate question I will not now discuss them. But, as I have said, I am not only willing, but anxious to lend any assistance in my power to discover the truth in regard to the combination of which you have made mention. I therefore will here add, what I more properly might have said in my note of the 23d, in answer to yours, asking the delivery of a certain package. As to the package I have nothing more to say, as I never saw nor heard of it. But as you say on the day after the return of Señor Berges from San Fernando I visited him at his quinta, and brought away such package, which on my return at nightfall I deposited in my office, I will add a few words to what I said yesterday.

As I said in my note of the 23d, I did not see Señor Berges for several days after his return. But I find in my diary the following, which I literally transcribe, notwithstanding my bad Spanish in which I keep my journal, for the sake of learning the language:

A la tarde fui a visitar Berges en su quinta. Le encontré muy enfermo en cama. Despues pasé hasta la casa de la Señora presidenta á quien encontré en buena salud pero triste; volvi por la casa de Leite adonde encontré Vasconcellos enfermo con chuchu. El mandó por me algunos billetes para Leite. Nada de nuevo de abajo.

Translation.—That evening I visited Berges at his country seat. I found him sick in bed. Then I called at the house of the President's lady, who was well, but looked sad. I returned by way of Leite's, where I met Vasconcellos, suffering from influenza. He sent some letters to Leite by me. No news from below.

I had been requested by Mr. and Mrs. Pereira to pass by their former residence and bring them certain things that they needed, among which was some money, Paraguayan currency. To oblige them I took with me the saddle-bags [alforjas] of my friend Traunefeld, that I had borrowed some days before. On returning at nightfall I put the saddle-bags into my office; and the next morning, after Señor Pereira had counted the money, he delivered it to me to keep; and the larger part of it is now in my possession.

You will admit that this is not a very dignified nor elevated matter to put into a diplomatic correspondence, nevertheless I give all the particulars, hoping that I may thus be useful in arriving at the truth, and that the information will be received in the same spirit in which it is offered.

It is with profound regret that I find myself compelled to differ with the government of Paraguay in regard to the case of Mr. Bliss and Mr. Masterman; but if any man has reason to respect firmness it is his excellency Marshal Lopez, who, after having maintained a struggle almost unparalleled in history for national independence, and having endured years of toil and sacrifice to defend his country and maintain a principle, cannot but regard in another the same firmness, and the same adherence to conviction and duty, with respect and approval.

That the plot of which you speak has been detected and frustrated, I would ask you to convey my most cordial and earnest felicitations to his excellency Marshal Lopez. I well remember what a thrill of horror ran through the civilized world when the great and good Abraham Lincoln fell before a foul assassin, and the universal execration that the deed provoked. That any person should be found in Paraguay engaged in a similar plot is to me horrible beyond expression. Will you also felicitate his excellency the President for the returning of his birthday, and express my regret that I was unable yesterday, owing to the pressing

duty of preparing this letter, to visit his excellency the vice-president at Luque and formally offer my congratulations.

I improve this occasion to tender to your highness assurances of high regard and distinguished consideration.

CHARLES A. WASHBURN.

His Honor GUMESINDO BENITEZ,
Acting Minister for Foreign Affairs.

Mr. Washburn to Señor Benitez.

LEGATION OF THE UNITED STATES,
Asuncion, July 26, 1868.

SIR: I have just received the inclosed communication from Mr. P. C. Bliss, which, at his request, I forward to your honor. It treats of a matter that occurred before my return to Paraguay, and of which I never heard till the day before yesterday, when he told me he would write this statement. Whether it will be of any use to the government I am unable to say. Hoping, however, that it may be, I comply with Mr. Bliss's request, and forward it immediately.

I avail myself of this occasion to renew assurances of distinguished consideration.

CHARLES A. WASHBURN.

Hon. GUMESINDO BENITEZ,
Acting Minister of Foreign Affairs.

Mr. Bliss to Mr. Washburn.

ASUNCION, July 24, 1868.

SIR: When I have learned at various times within the last few days that I was accused of a *grave charge*; that I was designated as a *member of a combination formed by agreement with the enemy for the overthrow of the government of this republic*, and afterwards *guilty of high treason*, I have expressed the most unqualified amazement that charges of such a nature should be made against a person whose whole career in Paraguay forms an eloquent contrast to such imputations, and I have most sincerely and unqualifiedly denied that there exists the least foundation for such charges. To-day, however, when I have seen the charges made in a more specific form, stating that I have set my name to a secret compact as a member of a committee having for its object the assassination of the President of the republic, the mode of stating this charge has been for me a ray of light, explaining how such an idea could have arisen, and affording me the eagerly desired opportunity not only of clearing up a mystery, but also of completely exculpating myself by making known an antecedent of my career which places in evidence the strength and sincerity of my attachment to the glorious cause of the liberties of the Spanish American republics, menaced by Brazil, and so heroically defended by the republic of Paraguay, under the guidance of the first warrior of South America.

I have belonged to a small circle composed of five individuals, who, nearly two years ago, proposed to form themselves into a *committee*, or rather into an *intimate society*, not with the object of *overthrowing the government of the republic*, but for the precisely opposite purpose—that is, to co-operate with the noble efforts of the government in its grand crusade against the slaveholding empire, and against the success of its enormous ambition. It was an association of five friends, enthusiastic for the great cause of the American republics against Brazilian aggression, whose first proposition was mutually to swear an eternal hatred against the common enemy of all republics, and whose only object was to seek the most efficacious means of putting into action our combined talents for that purpose. Unforeseen circumstances prevented that project from being carried out, and it was abandoned directly after being conceived. But such as it was, it was the *only* association of any kind whatever to which I have belonged in the republic of Paraguay, and has undoubtedly been the occasion that erroneous information or suspicions of persons foreign to it have misrepresented it to such a degree that what was

but the effect of indiscreet zeal has appeared under colors as opposite to the truth as heaven to hell.

To explain this circumstance, in what relates to myself, requires that I begin from some time previous, and beg your attention to the following statement :

You excellency knows that, during the year 1864, I edited in Buenos Ayres an English monthly review called the "River Plate Magazine," principally devoted to historical investigations. In the articles of current politics I made myself a subject of remark, as the only writer in Buenos Ayres who uniformly sustained the legal government of Montevideo against Brazilian aggression. I wrote several biographical articles upon the chieftains of the Spanish American war of independence, such as Bolivar and San Martin. In preparing them, I learned that a secret patriotic association called the "Society of Lautaro" had played an important part in that movement, having extended itself to all the new republics. I obtained information concerning this society from the mouths of General Tomas Guido and General Anonio Diaz, as well as others, who had belonged to it, and at last I had what I considered to be the good fortune to obtain a copy of its regulations, and from the autograph manuscript of a deceased general, in No. 12 of the magazine, I published a part of it, accompanied by a historical sketch in reference to it.

When, at the beginning of the year 1865, I came to Paraguay, impelled by a desire of becoming better acquainted with a country in which I took so much interest, especially at so interesting a moment, I casually brought with me this manuscript, which afterwards played a part in the subject of which I now treat.

I omit entering upon proofs of the cordial support which I have uniformly given to the Paraguayan cause, and of the constant efforts I have made to keep up the public spirit of natives and foreigners in this struggle. The facts are too notorious to require such proof. I will, however, say that one of the first ideas which engaged my attention was that of working upon the sentiment of the Pacific republics in favor of the cause of the *balance of power* in the Rio de la Plata, as represented by Paraguay; and as early as April, 1865, I made suggestions to the ministry of foreign affairs, with a tendency to be employed myself for that purpose. In August and September, 1866, after the great Paraguayan victories over the enemy, and the revelation of the iniquitous designs of the enemy by the publication of the "secret treaty," and particularly after learning the state of opinion in the Pacific republics, as manifested by the celebrated protest of the quadruple alliance, my interest in the same project was quickened. It was at that time that I made a formal proposition to be employed in an agency in the service of the government, proceeding to Bolivia, and thence to Europe. The 22d of September, (date of the battle of Curupayti,) the Bolivians, Drs. Roca and Peña, arrived here, and I soon became intimate with them, consulting them respecting my ideas, and indoctrinating them into principles and antecedents of the present crusade against Brazil. I presented them to several members of the government, and to my friend, Dr. Carreras, who participated in many of my ideas. As the result, Dr. Roca commenced that series of patriotic manifestations by which his name has become so prominent in the republic. Those were days of patriotic effervescence over the whole republic, and, in particular, they were for me days of congratulation, since the government had honored me by ordering my drama of the "Triple Alliance" to be magnificently represented at the festivals of the approaching anniversary of the second presidency. Moved by a desire to repay so much honor, but undoubtedly badly advised as to the opportuneness of such a step, I took an active part in promoting a combination among a few friends, in order to guide our common efforts in favor of the national and American cause. It was agreed to form a small circle of five individuals, who were to organize for that object, under the name of "Hesperian Society," and the manuscript to which I have alluded was consulted as being likely to afford some useful ideas in the preparation of the regulations. After one or two previous consultations, the only meeting at all formal took place in my room, in Calla Pasode la Patria, No. 8. Those present were Drs. Roca, Pena, and Carreras, the Oriental citizen Don Antonio Tomé, and myself. The occasion was the evening of the 12th of October, 1866, anniversary of the first armed aggression of Brazil in the Oriental Republic, and also a native festival of Paraguay, which had been celebrated that day by the departure of the committee which went to carry the national album to his excellency Marshal Lopez.

A formula was agreed upon, expressing that the object of the society was to promote, by all means within our power and by common accord, a sort of South American crusade against Brazil, against its ambitious designs and its slaveholding propaganda, contracting a mutual compromise of eternal hatred towards the empire, which we regard as the common enemy of all republics. This formula, drawn up in several copies, (upon blue letter-paper,) was to have been signed by all, each one preserving a copy, but the signing was never effected, and two or three of the copies remained in my possession. The preparation of the regulations was left for a future occasion, which never arrived; and it was then proposed to send memoirs, prepared by two of the individuals, to his excellency Marshal Lopez, proposing the sending of a commission to the Pacific republics, where they (in case of the mission falling to the lot of one or more of us) were to initiate other associations for the same object among influential men hostile to Brazil.

These memorials, written by Drs. Carreras and Roca, were sent to their destination. A letter was also approved of, written by Dr. Roca to President Malgarejo, of Bolivia, exhorting him to become a champion of the American cause against Brazil, and promising, in that case, to lay aside the political enmity which he had against him.

I will add that we did not propose to establish such an association formally, without previously soliciting the approbation and support of members of the national government. All that was done was merely provisional, and finding inconveniences in its realization, no second meeting was held, nor was even the record of the first signed—that is, each one continuing to act individually in favor of the common object. In December occurred some differences of opinion between the persons who had formed part of the projected circle, concerning the convenience of a certain manifestation on the part of the foreign residents towards Marshal Lopez, and there was even a rupture of social relations between some of us, which, in part, subsists till the present time.

Such is the simple statement of a fact which, I doubt not, has, after so long a time, originated a suspicion that it was of an entirely different character. The truth of my statement can be proved by the testimony of the other persons mentioned, the only ones who, so far as I know, have had any knowledge of it. Such was the only combination to which I have belonged, in thought, word, or deed, and I am absolutely ignorant of any combination whatever for a contrary purpose, or for a repugnant and atrocious object, as well as of who may be its authors. I have never been sounded by any person for such a purpose, since my patriotic principles are very notorious in this republic, and who would have dared to make me the depositary of so horrid a secret? If such a circumstance had come to the knowledge of any one of us, I have the profoundest conviction that he would have hastened to denounce its criminal authors to the just vengeance of a country wounded in its most sensible fiber, and, for my part, I am most anxious that all the infernal plot which is said to have been lately formed may be discovered.

Having had the misfortune to attract the hatred of a considerable part of the foreign population by the conduct which, along with Doctor Roca, I observed in December, 1866, receiving for it the explicit approbation of the official newspaper, it would be very singular that I should afterwards enter, with my personal enemies, into an intrigue to undo all the titles which I had so carefully endeavored to obtain, to the confidence of the government of which I have always been an ardent partisan.

I forgot to say in its proper place that, after having abandoned the idea of the society above mentioned, I had no hesitation in employing the information contained in my manuscript of the “Society of Lantaro” as an element for the preparation of an entire act of a second drama, which I presented to the government, and which has not been published. Would not such conduct have been the maddest caprice on the part of a person who had an understanding with the enemy?

Not doubting that the preceding facts may be a ray of light for the supreme government of the republic in its investigations to clear up the present grave accusations, and to distinguish the innocent from the guilty, in an affair in which, by means of incorrect information, two series of facts of a totally opposite nature, as well in object as in date and in authors, have evidently been confounded. I beg your excellency will communicate this rapid statement of facts to the supreme government of the republic, and assure that government that I am most anxious to give it all the assistance in my power to clear up the truth in what relates to myself and to the other persons whose imprudent but patriotic reunion has drawn upon us such unfounded suspicions.

I have the honor to be, Mr. Minister, your attentive and humble servant,

PORTER CORNELIUS BLISS.

HON. CHARLES A. WASHBURN,
United States Minister Resident in Paraguay.

Señor Benitez to Mr. Washburn.

[Translation.]

MINISTRY OF STATE FOR FOREIGN AFFAIRS,
Luque, July 31, 1868.

I have had the honor to receive your note of the 23d instant, in reply to that which I addressed you, bearing the same date, requesting the delivery of a sealed package of communications, which was delivered to you by the ex-Minister Berges. You state that neither in the two visits which you made to Berges, nor upon any other occasion, did he ever

give you any package or communication of any kind, and that therefore I must be very ill-informed in that respect, since you have never received anything of that class, nor have you received from him any communication, either verbal or by letter, since his return from San Fernando. I have also received two other later notes, of the 25th and 26th instant, the first being in reply to my other note of the 23d, concerning the question which relates to Porter Cornelius Bliss and George F. Masterman, whom you consider as members of your legation, setting forth that, as to the question whether they are or are not justly and legally such, you waive the point, but that as you consider them as members of your legation, they are not subject to be judged by the tribunals of Paraguay; that if the government is nevertheless convinced that they are not members of the legation, it may prosecute them as criminals and fugitives, and that the writers upon international law have fully prescribed how such individuals may properly and legally be taken from the house of a foreign minister, but that the responsibility in this case will be upon the government of Paraguay, and not upon you. At the same time you make a fuller statement respecting the package of papers asked for in my note of the 23d, giving an extract from an entry in your diary. The last note of your excellency is accompanied by a communication from Porter Cornelius Bliss, who, you say, requested it to be forwarded; the said communication containing some revelations which suppose the existence, at a former time, of a secret committee composed of himself and other foreigners, the form and text of this communication appearing to be intended as a justification of his pretended innocence.

I shall reply to these notes together, as being coherent parts of the principal subject.

Although there are some points in these notes which I have read not without surprise, and which deserve to be immediately replied to, yet, not to lose precious time, I leave them aside to treat of the principal topics.

I would also have entered into further considerations concerning the question of Bliss and Masterman, but as you decline all discussion as to whether they are or are not justly and legally considered by you as members of your legation, I also ought, after what I have already said upon the subject, to abridge my reply. Nevertheless, I will observe that this act of your excellency is not in harmony with the benevolent manifestations which you have made in favor of justice, since it being in your hands, and a matter of the strictest duty to send away those individuals who ought to appear before the proper tribunal, you preferred to shield them with the title of members of your legation, without having proved, or being able to prove, that quality which has been officially disclaimed by my government.

You do not choose to give all the assistance which you might legally afford towards the investigation of the grave crime of high treason; and the fact of acceding in respect to some, and refusing in respect to others, to accede to the request to dismiss from your hotel the criminal refugees, as in the case of Bliss and Masterman, to which you interpose difficulties, although you have superabundant means to give them a decided protection, which circumstance assumes a more pronounced character, by referring to the fact in your note of the 20th instant, respecting your servant, you have stated your intention to dismiss him instantly from your hotel in case of being informed that he has not complied with your orders not to bring or carry any note, message, or communication of any kind, or from any person beside yourself and Madame Washburn. And

the fact is so much the more characteristic, since you, in the exercise of your discretionary powers, might give up to the justice of the country your servants accused of crimes, and might renounce all privileges of that nature, respecting persons of your suite, with the exception of those who have been appointed by your government as secretaries of legation, &c.

The more I have sought in your notes for a plausible motive for your firm determination of not granting my request concerning those criminals, the more I have found that your refusal is based only upon these points: 1. That you think to have correctly denominated them as justly and legally members of the legation. 2. That if you were now to recede from that position, it would appear weak, and would be a confession of having acted illegally in dismissing them, for which reason you would be accused and censured by your government.

I ought to express to your excellency that I have in this respect a different opinion, based upon reason and justice. Is it not evident that this government has not recognized your protégés as members of the American legation, and that this fact is proved by official documents? Or how many times must the government make known to you its resolution? But even if you believed in a tacit recognition after your last attempt, was not the official declaration sufficient, which was made to you later, that this ministry has never recognized nor recognizes them as members of your legation, to modify your opinion and respect the justice of my petition?

There is not, then, the exactness which you invoke in your behalf that they are legally members of your legation; and it is out of my power to understand how, by receding from that position on the strength of a maturer reflection, you will appear weak, or how it would be a confession of having acted illegally in dismissing them, since the mission of a public minister is based upon political morality, and the exercise of his functions requires a respect for law, reason, and justice, preferring the general interests of nations to private interests; and it is starting from this principle that I am far from believing that you would be accused, or even censured, by your government, whose enlightenment, love for justice, and respect for international law are beyond all question; and my government takes pleasure in recognizing this fact.

You will allow me to make the following quotation from Vattel, who, speaking of a foreign minister, says:

He ought not to avail himself of his independence to oppose the laws and usages, but rather ought to conform to them so far as they concern him, although the magistrate has no power to compel him to do so. He is particularly bound to observe religiously the universal rules of justice.

But what most particularly draws attention is that the persons sheltered in your legation proved to be really the principal members of the plot, and that there still remain in it two individuals who are as criminal, as appears from documents of the case, as the other refugees whom you, at my request, dismissed from your house, and who have already appeared before the competent tribunal.

It is to be regretted that such individuals still remain in your house, protected by the American flag, since you cannot but admit upon your own conviction, that far from being members of your legation, they are improperly housed in it, and as you know and have declared that your hotel ought not to serve as an asylum to criminals, I again demand of you the fulfillment of this duty, urgently required by justice and law.

When you say in your note that the government can do what it chooses in the matter, upon its own responsibility, I ought to observe that you

may tranquilize yourself concerning this point, and at the same time manifest that—

The question of the right of asylum is already resolved by public law and modern practice. If the inviolability of the foreign public minister extends to his residence, his hotel can no longer, as formerly, serve as an asylum for individuals, guilty of crimes, to evade the competent jurisdiction. It is now admitted that when a criminal has taken refuge in the hotel of an ambassador, the state may, in case of his extradition being refused, order him to be taken out by force.—*Modern European Law of Nations*, vol. 3.

According to this principle of international law, your insistence in your refusal is destitute of all foundation, and can only give rise to the formation of other judgments.

The pretext is specious upon which you base your refusal. How could the recognition of Bliss, in the character desired, be hoped for, simply on account of having been presented for the second time along with Manlove, in the list of your suite, having been already refused by this ministry upon your first request? Besides, it is evident that you have recognized this, when, in your note of the 4th of April last, with which you send the list referred to, bearing date of February 24, containing the names of the persons of your legation, you make this statement:

I have duly advised all the persons who have not been accepted and recognized as attached to this legation, and consequently with a right to all its privileges and immunities, that if they go outside of the limits of the legation it will be at their own risk and peril, and if in doing so they should be arrested by the police, I shall not have to interfere in their favor.

This sentence sufficiently demonstrates that you have recognized that Bliss and Manlove have not been accepted as attached to your legation.

I ought to mention here the form in which you communicated to this ministry the said list of the persons of your legation, in which you inserted, for the first time, the name of George F. Masterman, and for the second time, those of Bliss and Manlove. It came along with your note, already referred to, of the 4th of April, as a sort of satisfaction to mine of March 31, saying that you had written a similar note on the 24th of February, which you had endeavored to send to the ex-minister Berges.

By what has been set forth, it will be seen that you did not, on the 4th of April last, consider as members of your legation Bliss and Manlove, nor Masterman; not only because you did not send your note of February 24, but, above all, because they had not been recognized in the proposed quality, to augment the number of persons belonging to your legation. Besides, when Manlove, who was in the same case with Bliss, was arrested by the police, you did not consider him as a member of your legation, because you recognized the non-existence of any right to invoke, which fact comes in to corroborate, in the strongest manner, the reasoning and the right which I have alleged in my request respecting these individuals, whom you now pretend to include legally among the persons of your legation.

As to the other statement of your excellency, that Bliss has gone into the streets without being molested by the police, you ought to persuade yourself that he was confounded by the policemen with those who are really members of the legation; but this error of fact cannot confer any right in the sense of the pretense and argument of your excellency upon the matter.

With these explanations of my previous observations, the question is entirely cleared up, and I cannot hesitate a moment in thinking that you will immediately proceed to expel these two criminals, who have

abused, to an extreme degree, the confidence of your excellency and the hospitality which has been generously given them in my country.

You have made several quotations from Vattel upon this matter, and must know that this celebrated author says in his work :

The ambassador's house ought to be exempted from all insult, and under the especial protection of the law of nations; to insult it is to become culpable to the state and to all nations.

But the immunity and exemption of the house has only been established in favor of the minister and his servants, as is evidently seen by the very reasons upon which it is founded. Could the minister avail himself of them to convert his house into an asylum whither the enemies of the prince and of the state might shelter themselves, as well as malefactors of all classes, and thus evade the penalties which they have merited? Such conduct would be contrary to all the duties of the ambassador, to the spirit which ought to animate him, and to the legitimate motive which caused him to be admitted. No one will dare to deny it; but we will go further, and establish as a positive fact, that the sovereign is not bound to suffer an abuse so pernicious to his state and so prejudicial to society; * * * and in the case of a criminal, whose detention or punishment is very important to the state, the consideration of a privilege, which was never conceded for the purpose of being converted into the prejudice and ruin of states, cannot detain the action of the prince.

Bello says, in his *Principles of the Law of Nations*:

The minister, moreover, ought not to abuse this immunity by giving asylum to the enemies of the government, or to malefactors. If he should do so, the sovereign of the country would have a right to examine how far he ought to respect the asylum, and, in matters concerning crimes of state, could give orders for the minister's house to be surrounded by guards, to insist upon the delivery of the criminal, and even could take him out by force.

I did not intend to trouble you with citations of this kind, but, in the interest of supporting the reason of my demands, I have had to recur to them, being very much surprised that hitherto my just and necessary requests for the expulsion of these two great criminals from your legation have not been complied with, as well as concerning the delivery of the package of communications which you took charge of; but I cherish the hope that you will not choose to make any further delay, which could but be a grievance to my government, since you understand the serious nature of the case, and know so well the ulterior results which such a resolution may bring about in this question, by sheltering criminals, who, as I have officially informed you, are accused, with full proofs, of being important members of the combination of high treason; there being, besides, the precedent of the conduct properly observed by you respecting other criminals, giving credit to my official statement, and forming a favorable judgment respecting the national courts of justice.

As you say in your note of the 25th instant: "But if any man has reason to respect firmness and strict adhesion to duty, it is his excellency Marshal Lopez. After having maintained a struggle for national independence almost unparalleled in history, and having supported years of labors, perils, and sacrifices for the defense of his country and the maintenance of a principle, he cannot but regard with respect and approbation in another the same firmness and the same adhesion to conviction and duty." I ought to express to you my thanks, and manifest at the same time that you may rest secure that his excellency the marshal President, firm and persistent with the principles of sound policy, and of his noble sentiments, will never fail to appreciate good actions, and attribute due consideration and respect to really meritorious acts, which involve a respect for justice and law, as he has never approved of actions or proceedings which depart from such holy principles.

I also thank you for your expression of sympathy and compliment towards his excellency the marshal President of the republic, and it will

be my duty to transmit to his excellency, as you desire, your cordial congratulation for the discovery and frustration of the plot, as well as your congratulation upon his birthday.

I think it my duty to consign in this place the notable circumstance to be observed in the fact that you, in your note of the 25th, which I had not received when I made my trip to the capital, offered to aid in the discovery of the criminals, and that if I had any queries to make concerning any suspected person, or if you could give any information of consequence for the confirmation of the truth, you would be most happy to do so, in a friendly and confidential manner. You had thus written precisely at the time when I had resolved upon an entirely friendly step in the interest of putting upon a better footing your relations with this ministry, in virtue of our official notes exchanged; but, unfortunately, neither your spontaneous offers, nor the official step which I took, have produced the results which I had hoped for.

Being obliged to take especial measures in consequence of your conduct, so little in conformity with the principles of universal practice and mutual convenience in official intercourse, I made you a visit at your house on the 25th, in the afternoon, which if in fact, and I regret to say so, it was entirely without result, at the least it will imply always a positive testimony of distinguished consideration towards your excellency; my government exhausting in this manner all the means counselled by friendship, consideration, and respect for the friendly nation of the United States of America and its government.

You will remember that I then said that I had left my post to come and visit you, and inform you in a friendly manner that I considered the ground you had taken in your official correspondence as very serious, and that I desired that I might not be obliged to say in it things which I wished to avoid for your own honor, Mr. Minister, and that I should be obliged to do so to prove officially the reasons which the government has for being exigent with you in the pending questions.

I also said that I knew that you had received from Berges papers with certain precautions and declarations, and labelled them with your own hand, and that I attributed only to forgetfulness what you said in your note concerning this matter, adding that I should infinitely regret to be obliged to make use of the declarations of the criminals in official notes, since that would carry this ministry upon a ground which it has not wished to enter upon with you, Mr. Minister.

You said in reply that in your note of the same day you had stated all you had to say upon the matter, and on your inquiring if I had received it, I replied that it had not yet reached me. You then replied, saying that the truth was that you had not received any paper from Berges; that what had happened was, that upon that same occasion, the 22d of June, you had gone from Berges's house to that of Doña Juana P. C. de Lopez, and from them to that of Vasconcellos, who sent some saddle-bags, some paper money to Leite Pereira, and some other things for his lady, who, at that time, were refugees in your legation. You brought me, of your own accord, your diary, for me to read the entry containing this statement, and also brought the saddle-bags referred to, stating that you had brought them in person, and had them in your office, but that you had received absolutely nothing from Berges; that he had never been at all confidential with you, but, on the contrary, preserved towards you a constant reserve; that you had stated the same thing once to his excellency the marshal President in Paso Pucú; that for the same reason you wondered that you should be thought upon confidential terms with him; that some time later you made him another visit with Madame

Washburn, but that she remained in the parlor, and you alone went in where Berges was in bed; that on the two occasions that you visited him, it was for a very short space of time, and that your conversation was only what you had already mentioned in your official note; that nothing further occurred, nor had you forgotten anything; that what you had stated is the truth.

In reference to the question about Bliss and Masterman, you said that you held an opinion different from that of the ministry, and for that reason should leave the government to act as it might judge proper, again referring to your note of the same date, and regretting that I had not received it. In relation to this point, I replied that I referred you to what I have already said in my notes upon the subject. You continued, stating that you understood the grave nature of the case, and that if you assumed the ground you had officially taken, it was from a sense of your duty to act so that your government would approve of your conduct, and in the manner that appeared to yourself most proper, especially after having declared that Bliss and Masterman are members of your legation; that far from wishing to shelter criminals, you had already sent away others, and that if you had not done so (in this case) it was only for the reasons stated, but that government could do what may appear to it most proper in this respect, assuming the responsibility. In reply to which I manifested to you, Mr. Minister, that you should convince yourself that the government does not need other people's advice, and that it would do what was just and convenient; that these affairs having arrived at the delicate and important state in which they now are, it could not but be expected of you, Mr. Minister, who has always manifested your sympathy in favor of Paraguay, that you would act in a manner to prove well your sincerity and sentiments of right and justice in this grave business. You replied that no one could make any charges against you in this matter; that it might be that criminal acts had been committed which you had not understood, or which had not come to your knowledge, but that you were tranquil. Then I said that you, Mr. Minister, ought to understand that we are in possession even of your confidential communications with the criminals from a very early period; that we did not wish to state this in notes, at least not in all its fullness, unless, unfortunately, we should be obliged to do so. Your reply was to inquire who were these persons, and I continued the conversation in the same strain, without specifying persons. You repeatedly said that you were tranquil; that you remembered nothing, and that if anything had come to your knowledge, you would not have kept silence. You repeated that it was not true that you had ever received such a package from Berges, since you had received nothing from him. You added that you were surprised to learn that Berges was accused of high treason; that you had supposed him to be a good citizen, but that you must declare that he has never communicated anything to you concerning the crime attributed to him, nor had you conversed with him of anything beyond what you had already manifested.

You also alluded to the manner of Leite Pereira's coming to your house, saying that you had only admitted him until he should be demanded by the authorities; that you had expressed to Carreras and other persons in the legation the same thing, and that Leite Pereira had done badly in acting as he did.

After this digression, I again called the attention of your excellency, more than once, to the importance of those papers which Berges gave you, and that, in order to be able to reply to your note about them, I had made you this visit, in order to see if in my reply it would be enough to

appeal in a friendly manner to your memory, or if it would be necessary to aid it in a more convincing manner. You replied, losing your serenity, that it was false; that there was no such thing; that whoever had so stated had stated a falsehood, a lie to the government; that if there should be any such calumnies as that referring to papers of Berges, you would answer them well; that if there are bad men who wish to lie, it could not be helped; that, concerning this or anything else relating to the matter in question, you had no reason for reserve, and, on the contrary, would aid in clearing up the truth; thanking me for my friendly step, and turning your eyes towards many objects, trunks and boxes closed and sealed up, which there were in your parlor, you said that you had taken charge of them to serve various persons, but that you were ignorant of their contents.

On taking leave, I said that I retired with regret that a friendly step had been without result; and that doubtless also his excellency the marshal President would regret it, since his orders were to guard always towards you, Mr. Minister, all the consideration possible. You replied that you also regretted it, but that you could do nothing more in the matter, requesting me to thank his excellency, and to say to him that you much desired to be useful to him, and that you were disposed to do all that may be possible with the best good-will, and that you would do anything to serve him compatible with your duty.

This is essentially what passed in our conference; and although it produced no satisfactory result, I nevertheless hoped that, in consideration of the grave nature of the case, I might have had the good fortune to avoid for you the consequent painful results; but I see with regret that you have not yet been pleased to give the matter due consideration, and have placed yourself in a very especial situation.

In your note of the 23d instant, demanding the sealed package given you by the ex-minister, Berges, you say that he never gave you any package of communications, letter, or message of any kind, adding that you had talked about the state of the war, and other casual matters; that the only thing which you remember that he said was that the Brazilians could not hold out much longer; that their credit was exhausted; and that several provinces were in revolution; that on taking leave he requested you to come and see him afterwards, which you promised to do; but that you only went once more, accompanied by Madame Washburn, according to your diary, on the 3d of July, when you found him still in bed; that his conversation on that occasion was very similar to that of the previous occasion; but that neither then nor upon any other occasion did he ever give you a package or communication of any kind; that I must then be very ill-informed respecting the package referred to.

In your other note of the 25th, after speaking of the question of Bliss and Masterman, you add that as you had said you were not merely desirous but anxious to lend whatever assistance might be in your power to discover the truth respecting the combination which I had mentioned, that for this reason you would add what you might more properly have said in your note of the 23d, in reply to mine soliciting the delivery of a certain package; that as to this matter you had no more to say; but that, as I had stated that on the day after the return of Berges from San Fernando you visited him in his quinta and brought away that package, you would add that, as stated in your note of the 23d, you did not see him for several days after his arrival; and you then insert the entry from your diary, by which it appears that the same afternoon of your visit to Berges you went also to the house of Leite Pereira, where you found Vasconcellos; and that he sent by you some paper money for

Leite himself, adding that you had been requested by Leite and his wife to go to their old residence, to bring several things which they needed, among which were some money and Paraguayan notes; and that on your return, about dark, you placed the saddle-bags in your office; stating, in conclusion, that although this matter is not very decorous for a diplomatic correspondence, you nevertheless gave all these details, hoping that they might be of use in arriving at the truth.

These are the points embraced in your two notes referred to concerning the very grave matter of the package of communications delivered to you by the ex-minister, Berges.

When I visited you, the 25th of this month, for the purpose of making the friendly suggestions referred to, I was animated by the best disposition towards you; and I hoped that, if not by my words, at least through regard to your own convenience, you would have given to my government a motive of gratitude, and also a proof of the sincerity of the desires and anxiety manifested by you to give whatever aid might be in your power to discover the truth, and to aid in the discovery of the criminals, offering to reply to questions concerning any suspected person, according to your expression; but the result of that conference has defrauded my most legitimate hopes, and has obliged me to transfer to my notes certain declarations of the criminals, which, as I said to your excellency, I much desired to avoid.

When the crime of high treason on the part of the ex-minister Berges had been discovered and investigated, he declared before the tribunal that he has had the following communications with the Marquis of Caxias: One original letter from Caxais himself, dated in Tuyucué, whose date he does not remember; that this letter was delivered to him through the American legation, and that his answer was sent by the same channel, the draught of which he says is to be found in the original (package?) That afterwards, at the time of the arrival of the gunboat Wasp, another letter came from the same marquis, dated the beginning of June, which Berges did not receive until the beginning of July, after returning from the army to the capital, on the occasion of the first visit of your excellency, who carried it to him personally. That with the letter was included a project of a reply and a proclamation, stating that these documents were sent to him and submitted to his consideration, since, having already forced the first fortifications and being about to take Humaita, he believed the end of the war to be near. That this letter was not replied to, since Berges could not write, on account of an impediment in his hand, for which reason you aided him to double or fold up this letter and its accompanying documents, as well as the previous one and the reply to it, putting them all in a wrapper, which was closed with a wafer, and was labelled by you with the inscription, "*Papeles de Berges*;" you took charge of and carried them to keep in the legation, offering to serve Berges in every way as minister and as friend.

And Berges himself adds, in his second declaration, that it was, in fact, at the time of the first visit which you made him at his house in Salinares, about the middle of the afternoon, that you personally carried him the second letter written by Caxias to him, when you said: "These papers came by the gunboat Wasp, and I received them under cover to me; it would seem that they are of importance." That Berges took them and said, "Let us see," reading them thereupon in your presence; and that, after a short time, you observed to him that the papers were long, and that therefore you would retire, as you had something to do; that to this he replied, "I shall claim a little more of your time; you might take a walk for a little while in the quinta." That you said: "Your quinta is very

sorry at present; rather give me a book to read." That he then said to your excellency, "There are some," pointing to a few books upon a small table, "such as the Count of Monte Christo, La Garota, a work by Ascasubi, &c." That you got up to take one of them, he does not know exactly which, and read awhile, until Berges interrupted you, saying, "I am going to deposit these papers in your custody;" to which you replied, "*Vaya!* they are then from Caxias;" and he replied in the affirmative. You said to him, "These are delicate matters; I would prefer to take charge of jewelry or other things which you may wish to deposit in the legation, and I would do it without asking the so-much per cent. (without saying how much) which I ask from other persons; but these papers may involve me in a compromise with my own government for abetting correspondence with the enemy's camp; for the rest I have no fear." Berges then replied, "How can a thing be known which has passed between us? I will fold them up with the previous communication, (which you knew of,) and give them to you now to carry away." That you, after thinking a moment, said, "I will take them, but if anything should happen, I will burn them, and say that I have received nothing." That Berges then got up and took from a secret place in a red writing-desk, where he kept it, the first letter and the reply to it, and set about folding it up with the second one and the accompanying papers, as he had said in his before-mentioned previous declaration, the form of the package being quadrangular, about the size of a sheet folded in three; and having been closed with a wafer by Berges himself, you labelled it with the inscription already mentioned, "*Papeles de Berges,*" and put it in the inside pocket of your coat, over your breast, taking leave of him afterwards, and starting off in the direction of Trinidad. That about a week afterwards you visited him a second time, along with your lady, who remained in the parlor; and you went into Berges's sleeping-room, he being in bed; on which occasion it was that you made him in more detail the offer of your services as minister and as friend.

These are, Mr. Minister, the foundations which this ministry has had for soliciting of your excellency the delivery of the package mentioned by the ex-minister Berges.

And I will conclude, stating to you that my government, which has never avoided the responsibility of its acts of whatever character, will not fear to assume it now before the enlightened government of the United States and the civilized world, by making use of the means prescribed by the writers upon international law, to take possession of the criminals, Porter Cornelius Bliss and George F. Masterman; but it costs me much, Mr. Minister, to persuade myself that you will continue to refuse to accede to the solicitation of the national courts of justice; and I would fain hope that you, weighing my considerations, will at last not refuse to hear them, and will give up the criminals to appear in judgment, not as members of the legation of a friendly power, but as men who have abusively gained access to it to shield themselves by it from punishment.

Your excellency inquires if my government doubts that that of the United States would administer full and inflexible justice, and I take pleasure in stating here that I have not the remotest shadow of doubt of it; but I will in my turn inquire of your excellency, if the American government can be in full possession of the case, as the national court of justice is, would it send the record of its trial for a new substantiation of the case? Could it do so? Would the firm and inflexible administration of American justice be sufficiently timely?

I request of your excellency to consider the state of the country and the character of the case at issue.

I improve this occasion to renew to your excellency the assurances of my most distinguished consideration.

GUMESINDO BENITEZ.

His Excellency CHARLES A. WASHBURN,
Minister Resident of the United States of America.

Mr. Washburn to Señor Benitez.

LEGATION OF THE UNITED STATES,
Asuncion, August 3, 1868.

SIR: I have the honor to acknowledge the receipt of your note of the 31st of July, on the evening of the 1st instant. In this note you discuss at great length the various points on which I have been so unfortunate as to differ with your government on questions that have arisen during the last month.

In this note you, after a long discussion on the points of difference as to whether or not Mr. Bliss and Mr. Masterman are rightfully members of this legation, give me the most startling information in regard to the declaration of the ex-minister of foreign affairs, José Berges. This notice has caused me so much surprise and astonishment, and is of so serious and grave a nature, that I trust you will pardon me if I first reply to that part of your note, leaving the other question to another day.

And, first, you will permit me to observe that I deeply regret that in a case of so serious a nature you should assume for facts what at best must be doubtful, and reiterate positively, as if on your own knowledge, what I, on my own better knowledge, as positively have denied. When a minister is told virtually that his words are not believed, that they are known to be false, he would certainly be excused if he declined any further correspondence. But, as I have already promised to give any aid in my power to clear up the terrible mystery in which I am surrounded, I shall pass over this matter of form, believing that what I have to say will be of service in eliciting the truth.

You express regret that in the personal interview held with me on the 25th ultimo, you were unable to elicit such facts as would render it unnecessary to include in an official note your subsequent statements. But that you were seeking impossibilities, I think I shall be able to convince you. Your statement of what Señor Berges has said before the tribunal, has led me to reflect and call to mind every incident and circumstance that I can remember which can throw any light on his strange conduct. Regarding the package which you say again and again that he delivered to me, I say again and again I never saw, nor heard of till I received your note of the 23d ultimo. But when to this he has added that it was through means of this legation that he carried on his treasonable correspondence with the enemy, I have endeavored to discover or imagine how it was possible for him to do so. I will therefore relate in detail, as far as my memory, with the assistance of my journal, will permit, everything in relation to the transmission of my dispatches.

On the 28th of April last I sent away my last dispatches for Washington, to be forwarded below, and thence passed by flag of truce through the military lines. Whether I sent letters for other persons or not I do

not remember, but I presume I did, though I do not recollect for whom. I have sometimes sent letters for the Portuguese vice-consul, Señor Vasconcellos, but I do not recollect whether on that occasion I did or not. A few days after sending away this package of dispatches, that is, on the 6th of May, a clerk and translator in the Foreign Office, Gaspar Lopez, came to my house, bringing a small bag of dispatches. On opening it I found it contained two or three dispatches from Washington, two or three private letters from the United States, and an official and also a private letter from Captain Kirkland, commanding the United States steamer Wasp, who advised me that he had come up to take me and my family away. There also came at the same time a package of letters addressed to me, with the name of the English secretary of legation at Buenos Ayres, G. F. Gould, on the corner. On tearing off the outer wrapper of this package, I found it was addressed to the Portuguese vice-consul, Vasconcellos, and was accompanied by a note to me from the Portuguese chargé d'affaires in Montevideo, the Baron de Sousa. A copy of this note I inclose herewith. As my own letters contained no news from below, and I supposed that those for Vasconcellos would have a great deal, I went out in the afternoon of the same day to his chacara to deliver the package and learn the news it contained. He did not open it in my presence, but he afterwards brought out one or two private letters, which he read to Leite Pereira and myself, when, for the first time, I learned of the revolution in Montevideo, and the death of ex-President Berro and of Flores. This news, I suppose, was made known to the government soon after, as the next number of the *Semenario* contained the same. I ought to remark that the tone of these letters was very favorable to this country, representing the allies to be in a desperate condition, and the writer as convinced that they could never conquer Paraguay. This package also contained a letter for Dr. Carreras, which I brought in and delivered to him. It was read to me afterwards, and contained the same news as that of Vasconcellos, and was equally friendly to Paraguay.

This is the only correspondence that has ever passed through my hands for many months from any person whatsoever from beyond the enemy's lines, and if Señor Berges tells the truth, (which I have reason to doubt, as on another point he states what I know to be false,) the communication he says he received from Caxias through this legation must have been in that package from the Baron de Sousa. At the time, you will remember that Berges was not here, and a few days after I went to San Fernando to see his excellency Marshal Lopez, in order to make such arrangements as would induce the commander of the Wasp to come up to that point. I had not been recalled by my government, though a gunboat had been sent to take me and my family away, and until a successor should arrive to take my place I was disposed to remain in Paraguay. I had written as early as January to be recalled, and insisted that another minister should come to succeed me, as it would look like the abandonment of a brave and gallant people if the only accredited foreign minister were to be withdrawn. Whether this letter ever reached Washington I have great reason to doubt, as, ever since my visit to the camp of the Marquis de Caxias, he seems to have done everything he dared do to stop my communications and supplies. I venture the assertion that if he has been engaged in a plot with traitors in Paraguay, I am almost the last person he would wish to know anything about it. I flatter myself that he considers me, whatever you may do, a friend to Paraguay, and such a friend as Brazilian gold is powerless to seduce.

From San Fernando I wrote to Captain Kirkland, telling him that the allies had no right to prevent him from passing their blockade, and that for other reasons I could not avail myself of the presence of the Wasp unless he would come higher up the river. Afterwards, I returned to this place, and on the 30th of May I received another letter from Captain Kirkland, in which he informed me that the Marquis de Caxias refused to allow him to pass his squadron, but offering to furnish me facilities to go by land from Pilar or Tayi to Curupayti. This offer of Caxias I took as an insult to me and my government, and so advised Captain Kirkland, telling him to force the blockade and let the Brazilians fire upon him if they chose to do so. It seems, however, that he did not feel authorized under his instructions to take such violent measures, and on the 10th of June he wrote me that he should start that day for Montevideo in order to get such instructions as would require him to pass the blockade or fight the whole Brazilian squadron. I then believed that he would be back within a month, but now nearly two months have passed and I hear nothing of him. It may be that the admiral does not wish to take the responsibility of commencing a war on Brazil without orders from the government, and that, instead of sending back Captain Kirkland with orders to force the blockade, he has sent to Washington for instructions. Was it not for the delay, this would be the course I would prefer, for I have no doubt the orders would be that the entire squadron should come at once to Paraguay without as much as asking permission of the Brazilians. The delay, however, is what I deplore. While my government is debating whether to make war on Brazil, by reason of my representations and situation, the government of Paraguay refuses to credit my positive statements as against those of an accused, convicted, and confessed traitor.

Neither of these last letters from Captain Kirkland to me were accompanied with any letter to anybody else, and I sent no letter from anybody else with my letters to him. I expected him to come up here to take away my family, and therefore I did not send away a single letter except my own official letters to Captain Kirkland himself.

I cannot find words to express my surprise at the account which you give me of the declaration of ex-Minister Berges. It is all false from beginning to end, and that I believe I shall easily convince you, and that he has evidently ascribed to me a part which was performed by another person. I do not imagine he is a person of the ingenuity to make up out of nothing his story about the package which he says he delivered to me, but that he should try to screen some one else by imputing to me the acts of one of his accomplices is quite possible. I do not suppose he would do that out of malice to me, for I have no reason to think that he ever cherished any such feelings towards me. Yet he might think to screen another by ascribing his acts to me, and at the same time imagine that my official character would prevent inquiry into my own acts. Yet, whatever his object or motives, the whole declaration is, as far as it relates to me, a monstrous fiction.

You express regret that it should have become necessary to put this declaration in an official note. I also would have preferred to have been privately advised, and given my explanations in an unofficial form. But, notwithstanding this, I am glad at last to know what has been the ground of the action of your government towards me which has hitherto been entirely incomprehensible. Had I been advised earlier of this declaration of Berges, very much of this long and unpleasant correspondence would have been avoided. But I have been groping in the dark, without the least idea of what the government knew or suspected. I seemed

to have lost its confidence, but I knew not for what reason. But this declaration of Berges, though entirely false, explains all. After a man who has held such high positions as he has occupied, has accused me of knowing of his treachery and aiding in it, it is not at all strange that the government should regard me and all near me with suspicion. But, now I know what his declaration is, I shall be able to show, by a careful reference to dates and other well-known or easily ascertained facts, that it is all false from beginning to end.

I will now examine his statement somewhat in detail. First, he says he received a letter from the Marquis de Caxias, the date of which he does not remember, and that he received it through this legation. The date is important, as if it passed through my hands it must have been in that package from the Baron de Sousa to Vasconcellos, or must have come as early as December last, when the Italian consul came through the military lines, for between the arrival of the Italian consul and the arrival of the Wasp I received nothing whatever from below. But as Berges says it was the second letter that came by the Wasp, the first must have come several months before. He also says that his answer was sent by the same channel. Of that I can only say that if he did send through this legation, it must have been under the cover of somebody else. I remember of his asking me on one occasion, when I was about sending off my dispatches, to include some letters for him. But I refused to do it, giving as a reason that it would be an abuse of the faith and confidence of the allies to do so; that I could only send correspondence with their assistance, and to take advantage of that to send the letters of their enemies, would be such an abuse that; should it be discovered, they would be justified in refusing to allow any more of my correspondence to pass either way. Therefore, if he sent anything through this legation, it must have been by getting some one else not connected with the government to give it to me as a letter to his family. But, if he did impose upon me in that way, it must have been as long ago as the middle of January last, for between that time and the departure of Berges for Paso Pucu I sent no correspondence away.

It appears from the note of your honor that Berges made two declarations, and that the two are very inconsistent with each other. In the first he says that the second letter from Caxias, which was brought by the Wasp, was dated the beginning of June, but that he did not receive it till the beginning of July, when I delivered it to him personally at his house. If that letter, dated near the beginning of June, passed through my hands, it must have come with the last letter to Captain Kirkland, which was dated the 10th of June, at Curupayti, and which I did not receive till the 23d, as appears both from my diary and the verbal note of your honor, which you were kind enough to send me with the letter. The 23d was the day after my first visit to Berges, so that I could not by any possibility have had any such letter at that time in my possession, as no communication reached me from the 1st to the 23d of June, the day after my first visit.

In his second declaration you add that Berges says that it was at the time of my first visit to him after his return from San Fernando that I delivered this second letter from Caxias, and then he pretends to relate very minutely everything that took place on that occasion. That visit took place on the 22d of June. How long that was after his return I do not know. I only know that several days before I had heard of his return, and that he was at his house in the Salinares, very infirm. I thought it a duty of courtesy to visit him, and as I was passing by to go to the Trinidad and back by way of the house of Vasconcellos, I called for a few

minutes to see him. He was lying in his east room, apparently very feeble. He was, or pretended to be so, paralyzed in his limbs, that he could hardly move in his bed. I expressed regret at finding him so, and we talked on general subjects, and nobody could have talked more loyally than he did on that occasion. But he did not rise from his bed; in fact, he appeared unable to do it; and after asking him if I could do anything to alleviate him, and inviting him to visit me when he got better, and promising to visit him again shortly, I took my leave, not having been, according to the best of my recollection, more than fifteen minutes in the house.

Such is the true and exact account of that visit. All that Berges says in his declaration about my giving him a letter from Caxias and waiting for him to read it, my taking up a book to pass the time, the conversation that passed, the taking of papers from a secret place in a writing-desk, the folding and labelling of the papers, all, every word is false—false as false can be.

I apprehend, however, as I have already said, that he has not the ingenuity to make up such a tissue of lies out of nothing, but that what passed between him and somebody else he has declared to be the transactions between himself and me. How that mysterious letter from Caxias was brought I do not know. I can think of no other way than that it came in that package of the Baron de Sousa. But if it came in that way, you can divine as well as I can by whom it was delivered.

It does not appear from the declaration of Berges that, at my second visit to him on the 3d of July, anything passed but expressions of courtesy. On that occasion, as on the former, I expressed sympathy for his sufferings and a desire to be of service to him. But I had no idea that he was then a traitor, plotting with the enemy against his own government; and at this time, as on my former visit, our brief conversation was carried on with doors and windows open, and servants passing to and fro at their pleasure. On neither occasion did Berges leave his bed.

If you will carefully scrutinize the dates of the occurrences that happened about this time I think you will find everything to corroborate, not only what I have stated, but my theory or explanation of the strange declaration of Berges. In your notes of the 23d you positively state that on the day after his arrival from San Fernando he delivered to me a certain package at his house in the Sa'inares. In his later declaration he says that it was at the time of my first visit, not specifying the day. That visit, however, was many days (I do not know how many) after his return, and I think (though it is only a speculation) that on closer investigation it will be found that the incidents about the package, that Berges alleges to have taken place between him and me, actually took place between him and one of his accomplices, before I had seen him or even knew of his return.

There is one other thing in Berges's declaration which, though not of much importance, will nevertheless serve as proof of its entire falsity. He says that I told him I would prefer to receive jewels or other things to keep for him in my legation rather than the papers which he wished to deliver me, and that I offered to take such things from him without charging the same per cent. or commission that I charged others. That this is a pure and malicious invention is evident from this fact, that though I have received since the order of evacuation money and other valuables from a great many people, I have never charged nor thought of charging a single person one penny for it. Many things left with me about the time of the evacuation have since been taken away, but I have never asked nor received from any one any commission, percentage, or

compensation. How, then, could I make allusion to such a thing to Señor Berges?

From this statement you will see that if I have in any way been the means of conveying intelligence to and fro between the enemies and traitors to Paraguay, I have myself been the victim of the most damnable treachery and ingratitude. But I yet cherish the hope that of those who have abused my confidence the number will be found the smallest possible. I cannot yet bring myself to acknowledge that I am of a nature so credulous, and so unfit to be a minister, as to have in my house for near five months persons with whom I was on the most intimate terms, and all whose thoughts I ought to have known, and yet who were at the same time engaged in a plot against the government, without my suspecting it. I yet cherish the hope that a full investigation will clear this legation of having given shelter to such parties. But, if there be any who have thus abused my confidence and hospitality, it is not for me to ask for their pardon, but rather to demand their summary punishment.

As I have before said, I do not think it strange that, after the declaration of Berges, the government should have regarded me, and those around me, with suspicion. But I do think it was not showing me the respect to which my position and my long-known character and friendship for Paraguay was entitled, to accept without question as true the charges and accusations of a confessed traitor in the face of my positive denial. This matter, however, I shall leave to the sense of justice of the government of Paraguay.

After this long and explicit statement of all that I know or even suspect in regard to the treason of Berges and his accomplices, I trust that your government will believe that this legation is not so dangerous a place as it may have at one time been suspected. I have not in this note taken into consideration the case of Mr. Bliss and Mr. Masterman, as I was anxious to clear up the other matter as soon as possible, and with your permission I will delay any further discussion on that point until I shall again hear from your honor.

I avail myself of this occasion to renew assurances of distinguished consideration.

CHARLES A. WASHBURN.

His Honor GUMESINDO BENITEZ,
Acting Minister of Foreign Affairs.

Señor Benitez to Mr. Washburn.

[Translation.]

MINISTRY OF STATE FOR FOREIGN AFFAIRS,
Luque, August 6, 1868.

I had the honor to receive the note of your excellency of the 3d instant, in which, referring to mine of the 31st of July last, you say that after a long discussion concerning the points of difference as to whether or not Messrs. Bliss and Masterman are legally members of the legation, I gave you the most surprising information concerning the declaration of the ex-minister of foreign affairs, José Berges; that this note has caused you so much surprise and astonishment, and was of a character so serious and grave, that you confided that I would pardon you for first replying to that part of my note, leaving the other questions for another occasion—

concluding in what relates to these that you have not taken into consideration in your note the case of Bliss and Masterman, as you were desirous of clearing up the other matter as soon as possible, and, with my permission, would delay all ulterior discussion on this point until you should hear from me again.

Respecting the grave matter of ex-Minister Berges, you observe that you profoundly regret that in a case of so serious a character I should take for facts what at best must be doubtful, and reiterate positively as if on my own knowledge what you on your own better knowledge have positively denied; that when a minister is virtually told that his words are not believed—that they are known to be false—certainly he would be excused if he should decline all further correspondence; but that, since you have promised to make known all that may be in your power to clear up of the terrible mystery by which you were surrounded, you would pass over this question of form, hoping that what you had to say might be useful to ascertain the truth.

Alluding to the declaration of Berges, you then say that it has led you to reflect and to call to mind all the incidents and circumstances which you could remember, and which can throw any light upon his strange conduct. You then go on to detail, with the aid of your diary, all that relates to the transmission of your dispatches, saying that on the 28th of April last you sent your last dispatches to Washington, passing them by flag of truce through the military lines; that you do not remember whether or not you sent any letters for other persons, but you presumed that you did, although you do not remember for whom; that you have sometimes sent letters for the Portuguese vice-consul, Vasconcellos, but that you did not remember if upon this occasion you did so.

That, on May 6, you received along with your communications from Washington a package of letters directed to you, with the name of the English secretary of legation in Buenos Ayres, G. F. Gould, on the margin; that on opening it you found that it was directed to the vice-consul of Portugal, accompanied by a note from the Portuguese chargé d'affaires in Montevideo, the Baron de Sousa, of which you send me a copy. That the said package also contained a letter for Dr. Carreras, which you brought and delivered to him, and which contained the same news as that of Vasconcellos—equally friendly towards Paraguay. That this is the only correspondence which has passed through your hands for many months from any person beyond the enemy's lines, and that if Berges speaks the truth, the communication which he says he received from Caxias by means of your legation, it must have been in that package from the Baron de Sousa.

That none of the last letters from the captain commanding the Wasp to you were accompanied by any letter for any other individual, nor had you sent with yours to him any letter for any one else.

That you cannot find words to express your surprise at the account given you of the declaration of ex-Minister Berges; that all is false from beginning to end, and that you believed that I would easily convince myself of this. And you continue to treat of the matter at length—impugning the declarations of Berges—concluding that all which he has said in it about the delivery of a letter from Caxias, of your waiting for him to read it, of your taking up a book to read, and all the rest, every word false, as false as false can be; that you presumed, nevertheless, that he had not the ingenuity to have made up from nothing this tissue of lies, but that what really passed between him and some other individual he has declared to be the transaction between himself and yourself, reiterating that you cannot conceive any other method for the letter of Caxias

to come, if it were not included in the above-mentioned package from the Baron de Sousa.

Your excellency adds, that if by any means you have been the channel for conveying intelligence between the enemy and the traitors, you have yourself been the victim of the most infamous perfidy and ingratitude, saying finally that you did not consider it strange that, after the declaration of Berges, the government should have regarded you and all around you with suspicion, but that you considered that it was not showing you the respect demanded by your position, your character, and your friendship, long recognized, towards Paraguay; but that, nevertheless, you would leave this matter to the sentiment of justice of the government of Paraguay, trusting that after your long and explicit statement of all you knew or even suspected concerning the treason of Berges and his accomplices, I would believe that your legation is not so dangerous a place as I had at one time suspected.

In reply to this note of your excellency's, I must say in the first place that it is not the fault of this ministry that it has had to register in its official correspondence the declaration of the culprits, after all that I officially stated to you in the friendly visit which I made you on the 25th ultimo, and which is substantially contained in my note of the 31st. You will allow me to remark again that at the time I made you a verbal statement of all which I have since written down with regret, and that I then deplored the necessity of having to consign in notes that which you now also deplore. I had a greater interest then than any one that this should not happen, but at that time you expressed yourself very differently, and I do not wish to attribute this to any doubt of my word.

I do not think your judgment correct when you attribute to my government convictions which it has not manifested, since, without stating any opinion upon so grave a matter, I limited myself to make known to you the things which were communicated to this ministry by the proper tribunal, to support the demands required of me in the name of the national courts of justice, in the name of the preservation of the country and of its government; and you ought to persuade yourself that in fact it was very difficult for this ministry to reconcile the sentiments of friendly interest which had always been expressed in official notes by the representative of the friendly nation of the United States with the proceedings which the traitors attribute to your excellency.

I regret that you have interpreted in a sense different from the true one the significance of the just representations addressed by this ministry to the chief of the American legation upon the subjects which, in discharging its duty, it has had to treat of, and whose importance and urgency are notorious. You say that proper consideration has not been manifested to your position and character, and this ministry believes itself to have abounded in such respect as it has never done towards any minister, and that if there were any reason for complaint it would belong to this government to make it, since all that has been said to you, Mr. Minister, in demand of the criminals whom you shelter, has not been enough; and nothing more could have been said in the initiatory steps of a trial which, by its monstrosity, was scarcely creditable. I ought also to observe to you that even to-day I ought not, perhaps, to continue to make mention of the information supplied by the tribunal, for fear that something which I may say will appear to you inconsistent, not having in my power the originals of the processes; but I wish to run the risk rather than fail to give you all the light which the tribunals communicate, thus satisfying your desires, Mr. Minister, in order that you may understand the grave nature of the matter, and in order to dis-

sipate by all the means in my power the darkness in which you say that you were groping.

I cannot doubt, Mr. Minister, that it will be very painful for you to learn that the persons whose honorable character and purity of sentiment you so much vaunted in your note of the 13th of July now appear before the tribunal, not only as fully acquainted with your sentiments, tendencies, and intentions, but also as having been supported by you in a directly contrary sense, as you may judge by their own words as communicated to me by the court of justice.

Dr. Antonio de las Carreras has, in a solemn declaration, said the following:

That, as to the terms of these conversations about the revolution, reference was made in the early period of his stay in the legation to the project of the revolution, to the means which were counted upon, and the probabilities of the result, and afterwards to the stupidity of the allies in their manner of conducting the operations relating to it, viz., to appear upon the Tebicuari with twelve thousand men, which was not done within the time agreed upon: to the failure or cessation of the probabilities of the success of the project; and, finally, when the imprisonment of some of the persons compromised became known, to consider the affair as discovered and its consequences as palpable.

That, speaking of the plan in general, Mr. Washburn always thought the idea a good one, and as to the details he also thought them good, provided the Brazilians (as Mr. Washburn always said, using but rarely the word allies) should pass the Tebicuari; that is to say, that in Mr. Washburn's opinion Marshal Lopez and the national cause were lost, and that he believed the success of the revolution easy, since when Humaita should be cut off—there not being elsewhere sufficient forces to resist a column of twelve thousand men—and the forces in the capital and other points depending upon persons who were compromised in the revolution, the *pronunciamiento* would be easy, since there could be no resistance, and consequently the submission of the rest of the country.

That as to the part which Mr. Washburn has taken in revolution he [the deponent] knows by what Washburn himself said to him that he [Mr. Washburn] had undertaken to forward the correspondence of the revolutionary committee to the enemy, under the seal of the consulate of Portugal, in order thus to save himself from the responsibility; telling him also that he had fulfilled his part by always sending the correspondence every time that he has had occasion to send his own to his government by flag of truce, except the last time, when he only sent a letter to the commander of the Wasp, ordering him to come up to San Fernando. That Washburn also told him that he had offered his house to Berges as an asylum for all the parties compromised in the revolution, and that he notified Berges himself of the occasions when there would be sent a flag of truce, in order that he, as well as the other members of the committee, might prepare their communications for the enemy, the deponent being one of those who had written to Caxias more times than those previously declared.

That, besides what has been said, they conversed upon the assurances which Berges and Benigno gave of counting upon the forces in the capital by bribery or other means, which project Mr. Washburn approved as a sure mode of success, avoiding the effusion of blood.

As to the time agreed upon, that in the first place it was to be when the squadron should pass above Humaita, which event had been announced by correspondence several months before, (five or six,) and after its passage the movement was announced for two or three occasions, until at last the time was fixed at about the middle of July. All which gave rise to some sarcastic expressions from Mr. Washburn; as, for example, "They are brutes;" * * * "They are more Brazilian than the Brazilians themselves;" * * * "Caxias is nothing but a good military organizer, but, for the rest, is a complete nullity;" manifesting the little confidence he had in Caxias's promises, and regretting that the time should be lost by such stupidity on the part of the Brazilians.

That, suspecting by the imprisonments that the government had got hold of the thread of the affair, Mr. Washburn said that he lamented the fate of many persons compromised, such as Berges, Bedoya, Benigno, the deponent, Rodriguez, Bliss, and others, and that he considered the end of the war postponed, since, the revolution having failed and the Brazilians not making any movement, affairs would return to their previous state; that he offered to the deponent, to Rodriguez, and to Bliss, to make a stand for the right of asylum in their behalf, knowing them to be compromised in the affair of the revolution, which, says the deponent, he himself, and Rodriguez, did not wish to accept.

That the reason why the deponent and Rodriguez did not wish to accept the asylum

in which, at the last moment, Mr. Washburn wished to uphold them against the demands of the government was, precisely, because they held an opinion different from that of the minister, which opinion he (the deponent) says he made known from the day when Leite Pereira presented himself in the legation, on the occasion of consulting them (the deponent and Rodriguez) as to whether he had a right to resist the delivery of a refugee in case of being demanded as a criminal by the government; to which they replied that they thought he had no such right, citing some authors of note, such as Vattel, Martens, Wheaton, Pinheiro, Ferreira, &c., and that notwithstanding this opinion of the deponent and Rodriguez, when they had to leave on the demand of a court of justice, Mr. Washburn said to them, "If you wish to remain here I will resist;" to which, as already stated, they did not agree, having resolved to defend themselves before the authorities, making head against the charges that might be against them; that Mr. Washburn then said to them, "I hope that you will not say anything to compromise me;" to which both replied that there was no occasion to fear that, and that he might rest easy in that respect; adding the deponent, that by this was understood that they were not to betray anything relating to the revolution, and that the minister would besides hold his ground, as there was no written proof against him.

That when Mr. Washburn returned from San Fernando he said to the deponent that he had been informed that Berges was very ill, with the half of his body paralyzed, which induced him to believe, as Washburn himself said, that the revolution was not discovered.

By these detailed statements, and others relating to this grave affair, I ought to hope that you, Mr. Minister, will doubtless see with pain that far from being but a small number who declare in this sense, they comprise all those persons who have given rise to correspondence from this ministry to obtain their departure from their asylum.

It has never been my intention to seek impossibilities, as you attribute to me for my friendly visit of the 25th ultimo, whose object and tendencies were most cordial and benevolent; and as you assure me that you intended to convince me of it in your note, I have eagerly sought in it the foundation for such conviction; but I have only been able to find reiterated exception, along with some incidental circumstances relating to your correspondence with the exterior (of the military lines.)

When your excellency says that you flatter yourself that whatever may be my opinion, the Marquis de Caxias considers you as a friend of Paraguay, and such a friend as Brazilian gold is impotent to seduce, I ought to declare in my turn that whatever may be my opinion, I have never failed to recognize the friendly acts which you have performed before now in behalf of my country; and as to what Caxias may think, I can say nothing of the matter, and that I think I ought to call your attention to my correspondence with you, since, in my opinion, I have used no expression tending to depreciate you, nor emitted any opinion which can be interpreted in the sense attributed by your note, nor yet the gratuitous interpretation of your words being false, since I have not said to your excellency that your assertions were false, and that they deserved no credit. It has been precisely with a proper respect for you, Mr. Minister, and giving credence to your official words, that my government has proceeded in this grave affair with all possible circumspection and decorum, probably to the detriment of the urgency which the case demanded.

And your complaint is so much the more to be regretted when you blame my government for refusing to give credit to your positive statements as against those of an accused, convicted, and confessed traitor, while your government was debating whether or not it would make war on Brazil on account of your representations and your situation. It is beyond my power to comprehend the reason which you have for consigning in an official note an accusation as gratuitous as grave against my government, for the simple fact of having used its right in a demand which interests in a lively manner its legitimate defence, and when the

country is in a state of open war in defense of its independence, which is menaced with destruction by the empire of Brazil and its allies, and also menaced by an internal conspiracy by agreement with them.

It is true that you, when requested to give up the package of communications which Berges says he delivered into your own hands, have stated verbally and in writing the falsity of the "assumed" fact, but the ex-minister Berges affirms and ratifies it in his sworn declarations, at the same time that you say, respecting him, that you do not suppose that he would do so through malice towards you, since you had no reason to believe that he ever cherished such sentiments towards you.

My government could not regard with indifference that statement, of so important a nature, concerning the package of communications referred to, and it could not give any ground for complaint by making use of it in official communications, much more after what has passed. I repeat that there is no reason for making such a complaint as is contained in your note.

I will ingenuously confess that I have not sufficient light on the subject to be able to interpret properly, in view of what has passed, what you say to the effect that, if you had been earlier informed of the declaration of Berges, much of this long and disagreeable correspondence might have been avoided, for even now, with a full knowledge of the facts, you oblige me to maintain this same correspondence indefinitely upon this subject, and, what is more, upon the demand made for the criminals, Bliss and Masterman, whom you retain there against all justice.

In your note of the 25th of July, in giving explanation, you have had recourse to your diary, where you had recorded even the circumstance that, visiting Señora Doña Junana Carrillo de Lopez, you found her well, but "sad." I will observe that that same diary now appears deficient, when you do not remember whether or not you sent with your correspondence of the 28th of April any letters for other persons; and supposing you to have sent such, you do not remember for whom. With your permission, I will consign here some declarations which are not foreign to the case.

Antonio de las Carreras declares—

That, on the 28th of April, he sent a letter to Caxias, under cover to D. Juan Francisco Gowland, in Buenos Ayres; that under this cover he sent a letter to Don Juan Jacinto Berges, in which was contained the said letter for Caxias; that the deponent delivered this letter to Mr. Washburn, in person, to be sent on that occasion, and that in fact the minister did send it with his correspondence, under his own seal; that when he wrote this letter the deponent said to Mr. Washburn, "I am going to improve the opportunity to write my correspondence for below;" to which the minister replied, "All right, and that he should hand in the letters the next day, as he was then going to close up his own;" the deponent stating here that although he did not expressly say to Mr. Washburn that he was going to write to Caxias, he [Mr. Washburn] so understood it to be so—that is to say, that if he did not express that idea, the minister could not be ignorant of it; but that he did not expressly state it "because" Mr. Washburn was not ignorant of it, since Mr. Washburn always knew of the correspondence exchanged between the enemy and the revolutionists; that the contents of the letter written to Caxias was an account of the situation of the country, and of the change wrought in the circumstances by the retreat of Marshal Lopez to the line of the Tebicuari, which to a certain degree confused the previous plans of the revolutionists, and the consequent necessity of remedying this by a bold operation as soon as possible, demanding of him in that respect to send the column offered, and to move up the squadron without loss of time.

That by the gunboat *Wasp* he received the last letter of Caxias, which was delivered to him by Mr. Washburn, who then received a package of letters for Vasconcellos, and having gone personally to take it to him in his chaera in Trinidad. Vasconcellos there opened the package, and found in it a roll of letters for the deponent, which he delivered to the same conductor, (Washburn,) to be conveyed to the deponent at the legation; that in the roll came a letter for Anavitarte, another for Tomé, and three for the deponent, one of which was that from the Marquis of Caxias, dated the 16th or the 18th of March, and the others were, one from his brother Eduardo, and another from Bargas, the letter of Caxias coming in that of the latter.

This statement harmonizes with that of Vasconcellos, who says, "that he lately received by the gunboat Wasp a large letter for Carreras, which might contain about four sheets of letter paper, which came to him in the package from the Baron de Sousa, and the Minister Washburn carried it to him in his chacra at Trinidad, and, opening it in his presence, he found the said letter for Carreras, and gave it him to be delivered at the legation, as the minister did immediately upon his return," thus resulting that correspondences have been carried on with impunity between the revolutionary conspirators and the enemy in arms against the republic. I leave to the just appreciation of your excellency this fact, and pass on.

You mention in your note that, on one occasion, when you were about to send your letters, Berges requested you to include some for him; that you refused to do so, giving for reason that it would be an abuse of the faith and confidence of the allies. I recognize in your excellency the principle of strict neutrality, which you observed in this case, by your refusal to allow Berges to send letters of the ministry which he occupied; but I ought to protest to your excellency my surprise at seeing by your own declaration, Mr. Minister, that this principle, justly observed as towards the allies, has not been so well kept in favor of the Paraguayan government and people, and that the flags of truce, afforded to the minister of a friendly nation for his official correspondence with his government and colleagues, have come to be the guaranteed safe conduct to carry on the correspondences of the enemy, and stir up treason under the guise of family letters, as you style those which you received and sent away under your seal.

"How that mysterious letter of Caxias was brought," says your excellency, "I do not know," adding that you cannot conceive any means but that it may have come in the package from the Baron de Sousa. On this point you will allow me to transcribe the following declarations, in addition to those which have been previously inserted from Carreras. Berges declares anew:

That Mr. Washburn, having received among his communications brought by the gunboat Wasp the last letter of the Marquis de Caxias, (directed to the deponent,) and he being in this encampment, he did not deliver it at the time of his (Mr. Washburn's) visit to the same point, but awaited his return to the capital to carry it to him personally, as he did at his house at Salinares, as he has already declared before the tribunals, a circumstance which reveals the motive of Mr. Washburn's knowledge (*circunstancia que revela el motivo del conocimiento*) of the correspondence of the deponent with the enemy's general.

That his reply to the first letter of Caxias went by the same channel, viz: by Mr. Washburn, to whom the deponent delivered it, (on an occasion when he had come to visit him in the ministry,) with the address to one Señor Brito, successor of Octaviano, in Buenos Ayres, not doubting, says the deponent, that Mr. Washburn knew that there was contained in it the reply to Caxias, since he already understood these communications, although they did not then speak with so much frankness and confidence on the subject of the treason to overthrow the government as at a later time, when Mr. Washburn had gone to reside in the country-house at Trinidad.

Carreras declares as follows upon this point:

That he has the most profound conviction, and would be willing to put his hands in the fire to assure that there exist in the office of the American minister, and probably in an iron safe there, the papers brought from the house of Berges, as he has previously declared.

You observe that it does not appear from the declaration of Berges that anything but expressions of courtesy passed upon your second visit of July 3. That upon that occasion, as upon the previous one, you expressed sympathy for his sufferings and desired to be of some use to him. Certainly the deponent has stated nothing very special concerning the visit of that day, except your offer as minister and as friend,

understanding by this an offer of asylum for any unlooked-for event. Notwithstanding, he has, in his declarations, made a series of revelations of importance, which I shall allow myself to transcribe so far as they relate to your excellency with the object already mentioned. He says:

That at the time of the severe illness of his excellency the marshal in Paso Pucú, in 1866, the American minister called upon him, or wrote to him, daily, to learn his excellency's state of health; that for this reason their relations became very frequent, and began by indicating to him the necessity of coming to terms with the allies, indicating as a person very proper for this object General Bartolomé Mitre, since he could speak with him with more frankness than with the other chieftains. That he (Mr. Washburn) went so far as to say that the motive of the war was nothing but the question of limits; that Paraguay had not the means of peopling the great deserts of her territory without calling in European colonization, which was very unlikely to come to these missions or retired places until the republics of La Plata were settled up; that the line from the Apa to the Igatimé, which was claimed by Brazil, ought to be ceded to that empire; and the Misiones beyond the Parana, as well as a part of the Chaco, to the Argentine Republic.

That when Mr. Washburn paid his visit to the Marquis de Caxias to treat with him about peace arrangements, he carried neither the spirit nor the desire of laboring in favor of the interests of Paraguay, and, on the contrary, cherished the conviction that Paraguay would be conquered and subjugated by the allied forces; that (he said) they had great resources, being in contact with all the world, and that Paraguay, however she might rely upon the abnegation and valor of her sons, who deserved to enjoy greater liberty, could never be victorious on account of the lack of resources, and that it was pitiful that this race of brave men should disappear from the face of the earth; that if Washburn left the capital ill-disposed to treat with the enemy's general, he returned from that camp with even worse dispositions, which that general had succeeded in producing.

That it is the deponent's opinion that when Mr. Washburn made such efforts to return to this country it was all a farce, in order to deceive the Paraguayan government, and that his real desire was to labor in behalf of the allies, by agreement with his colleague in Rio Janeiro, the general who is the American minister at that court. In addition to the conversations which the deponent has had with Washburn, who always endeavored to discourage him, there are the revelations which the English minister, Mathews, made to his government, and which certainly place Washburn in a tight place, (dejan colgado a Washburn.) To which should be added that here he has never been willing to give credit to the papers of the country when they gave news of the brilliant feats of arms and partial episodes of the war, saying that they were not only incredible but ridiculously fabulous, and that these exaggerations could pass current only among the Paraguayans, who were for the most part a rustic and ignorant herd. He would never credit any news favorable to Paraguay in all the course of the war; even at the time of the defeat of the enemy at Curupayti he pretended that it was simply a retreat of the enemy, referring to information given him by Mr. Cochelet, who had received it from the French agent, who was present at that combat.

That, in fine, the spirit of Mr. Washburn is completely hostile to Paraguay and to its government, and that he constantly sought for some occasion of controversy in order to get away from the country, which the deponent has been able to elude by calming down, by means of his personal friendship, Mr. Washburn's constant tendency to produce a breach.

That no one is ignorant of the hostility which the ex-consul of France, Mr. Cochelet, always manifested, delighting in creating obstacles of every kind for the government of the republic, and Cochelet was an intimate friend of Washburn's, who lamented that he had been replaced by a man so null, so informal, and of so little credit as Mr. Cuverville; that he also regretted that the Italian consul, Mr. Chaperon, should be so much under the influence of Cuverville, who carried him always in tow; that he also regretted that there was no agent of the English government in Asuncion, since a concert of the four might have made a fine opposition to the evacuation of the capital, and would have put the Paraguayan government to its trumps (*hubieran puesto en prensa*) before they would have abandoned their posts.

That, in the opinion of the deponent, Mr. Washburn has received money from the government of Brazil, and desired to get some out of the Paraguayan government, to make his market with friend and foe, and since he has not succeeded in this, his constant and daily views have been to work against the interests of the country, endeavoring to produce discouragement among its sons.

That after the return of Mr. Washburn from the enemy's camp, on the occasion of having gone there for the peace arrangements referred to, in one of the visits which he made to the deponent in the office of his ministry, he asked for a map, and pointed out the ease with which Caxias could extend his line of circumvallation so as to leave Paso Pucú and Humaita blockaded by land, adding, "When Humaita is taken, all is over."

That to this the deponent replied, "We should still have the line of the Tebicuari, that of the Paray in Villetta, the Cordillera, and, finally, the war of resources such as Juarez waged against Maximilian," and that Washburn replied, "Juarez deserved the sympathy of all the world, and, above all, that of the American government, and you have not; he received supplies from all parts, which you are destitute of." That the deponent again insisted on the advantages of the line of the Cordillera, saying, "that we should there be in contact with the agricultural departments, the most productive of the country, and that it is on the Upper Paraguay that we have the greatest abundance of cattle, to which he added the nature of the ground, which would afford a defensive position at every step," and Washburn, picking up his hat, said, laughingly, "You are very brave," (es V. muy guapo,) and withdrew.

That he frequently came to the ministry to ask news from the army, its state, and that of the war; and as the deponent generally replied that there was nothing of importance, he used generally to say something calculated to discourage us, as, for example, "that he knew there was much desertion in the Paraguayan army; that Caxias had received great reinforcements; that more iron-clads had arrived from Europe to the Rio de la Plata; that the war was very popular in Brazil; that public spirit in the Argentine Republic had arisen; that the allies could get all the money they wanted; that the national cause had no sympathy in Europe, where the enemy's press drowned the voices of our few agents beyond the sea." That the deponent asked where he got such items of information, and Washburn replied, jokingly, "The birds have told me," and that the deponent some time afterwards made use of this expression, asking him, "What do the birds say?" To which Washburn sometimes replied, "The birds are dumb at present, but they will have much to say about our bad situation." That since Mr. Washburn went to live at Trinidad his visits became less frequent to the ministry, but his relations were more frank. That the object of his visits was to ask for news from the army, and when the deponent said to him that he knew of nothing decisive, but only partial engagements, he, Washburn, would reply furiously against the allies, with the following or similar expressions: "They are unworthy to conquer; they lose the best opportunity of subjugating Paraguay, now that you are ready to support them, or rather to do all; Brazil ought to be struck from the catalogue of nations for the nullity of its rulers and generals." That he could not understand why they did not improve the rise of the river to bring up a force in their iron-clads and other vessels to land in the neighborhood of the city; that he also marvelled and lamented that the movement by land against Caapucu by the pass of the Tebicuari should have failed; that sometimes he thought Caxias distrusted the persons who had written to him; and, after all, said he, these are old men's proceedings, men who are incompetent to undertake anything of consequence.

That several visits passed after this fashion, Washburn always deploring the inactivity of the allies, until one day he came to the ministry smiling and in good humor, saying to the deponent, "So then, at last, they have made the movement by the Tebicuari, for I have learned that the allies have taken two 'partidos' on the coast of the Tebicuari (Guazuca and San Juan) without any resistance from the Paraguayans; we now look for the movement of the fleet, and you (the revolutionists) ought not to go to sleep, but get ready to formally second the movement."

That on this same occasion he inquired of the deponent if Caxias had not written to the committee or to Don Benigno to inform them of this movement, and when he replied in the negative, Washburn doubted what he said, remarking, "You have no confidence in me: you always make use of Paraguayan distrust, although you have been in North America, where you ought to have learned something of our frank and sincere habits." To which the deponent replied that his information was, that there had only been a scouting party to bring in cattle; and the minister replied, "Incursions into an enemy's country always begin in that manner, by sending small bodies to explore the ground and calculate the resistance which may be made;" and that although the deponent endeavored to show that this was not the movement waited for by the revolutionists, the minister was so blinded with this idea, that he continued to expect the prompt appearance on the Tebicuari of the principal body of the allied force which was announced.

That on another occasion, after the minister had gone to his country residence, he had another conversation with the deponent in the ministry, and said to him that by a strange coincidence all interests were placed outside of the country; that he (Washburn) remained here to support the insurgent Paraguayans, doing without the most necessary things, such as sugar, brandy, coffee, wine, macaroni, and even clothing, and that he had nothing to drink but the cane of the country; that the deponent replied, "As I have been told, you do not fare so badly at Yvyray, and, besides, with money and yerba you can buy a turkey," alluding to the fact that Washburn frequently asked the deponent for yerba, and received it in tercios from the treasury to buy fowls and eggs, and that the expression a turkey was one of the minister's ways of expressing himself, the deponent here adding that this is a genuine Yankee expression.

That in one of his visits to the deponent, in his house in Salinares, after returning

from his last visit to the army, the minister said to him, "Don't you see how this is?" (alluding to the fact that the line of the Tebicuari was already fortified without having giving time to the revolutionists.) "I shall perhaps be obliged to leave the country temporarily, to accompany my wife, but *there* [out of the country] I can be more useful to you [the revolutionist] by laboring in your behalf, [in favor of the revolution, as was understood, says the deponent, since the minister did not wish to use openly the words revolution or conspiracy;] and I hope to be back within a year;" that the deponent replied, "When you are out of the country endeavor to be sent to Chile as minister, as you yourself told me you had written to Mr. Seward, proposing that exchange;" to which he replied, "By no means would I do such an act of baseness, being compromised with you to support the movement," (revolution.)

That Mr. Washburn said to the deponent, after returning from the enemy's camp, that he was going to write to Mr. Seward, and say to him that the government of Marshal Lopez was losing much of its popularity through the events of the war, and that even its best friends were falling off from it; which, according to the deponent's opinion, Mr. Washburn intended to write, in order to prepare his government for the revolutionary movement agreed upon.

That, in referring to this incident, deponent wishes to make known how far Mr. Washburn was then opposed to this republic and its government, after his conversation with the enemy's general, under pretext of a peace arrangement.

That at the same time he also said that the war ought to be terminated; that the Argentine government, in case of the triumph of the allies, which he regarded as sure, would necessarily take all the missions up to Tebicuari, and the country would be left about as big as my hand, (opening his hand at the word;) and Brazil would take the rest of the country for the expenses of the war, adding that Brazil spent a million a day; adding that Paraguay having to pay this immense debt, it would fall to Brazil, and form part of that empire, and would thus be better off than when a colony; that the deponent objected that it was not possible that Brazil should spend a million a day, since even North America in the great civil war had not spent more; to which Washburn replied that that was at the beginning, but that later the expenses had amounted to three millions a day; adding, "Above all, they steal a great deal in Brazil, so as to make up the million a day, and they will show for it the *accounts of the Great Captain.*"

I thank your excellency for having had the kindness to make known to me the note of the Baron de Sousa, chargé d'affaires of Portugal, and for all which you have been pleased to set forth in your long communication, in fulfillment of the desire which you have manifested of clearing up the facts relative to the treason of Berges and his accomplices.

I confidently hope that with these new items of information, taken textually from the declarations of the criminals, you will become convinced of the grave nature of the affair which forms the subject of our correspondence, and that, taking into consideration my previous note of July 31, will also admit the reasons alleged by this ministry to show that Porter Cornelius Bliss and George F. Masterman are not members of the legation of the United States of America, but treacherous criminals, who, like others, have attempted to abuse your good faith, and that, as such, they will be expelled, to appear in satisfaction of the requirements of justice, fulfilling in this manner also your excellency's desires, that if there have been persons who have thus abused your confidence and hospitality, it did not become you to ask for their pardon, but rather to demand their summary punishment.

I embrace this occasion to renew to your excellency the assurance of my distinguished consideration.

GUMESINDO BENITEZ.

His Excellency CHARLES A. WASHBURN,
Minister Resident of the United States of America.

Mr. Washburn to Señor Benítez.

LEGATION OF THE UNITED STATES,
Asuncion, August 11, 1868.

SIR: I have the honor to acknowledge the receipt of your note bearing date of the 6th instant, but not received by me till the evening of the 7th.

In this note you advise me that ex-Minister Berges has made another declaration, giving at great length conversations with me, from which he inferred I knew long ago of his treason, and his reasons for believing I never had been a friend of Paraguay, but rather a friend to him and his fellow-conspirators. I am likewise informed that Dr. Carreras has also made a declaration, in which he acknowledges that he was in correspondence with the Marquis de Caxias, and that he sent his letters through this Legation, and that I was at the time aware of the fact. You also take occasion to protest that in your previous note you had no intention to express any doubt as to the truth of my words, but had limited yourself to giving the declarations of criminals.

Regarding this last matter, the correspondence itself will show whether or not I had reason to complain. But you will remember that after I had distinctly, and in language as clear as I could use, declared that I had never received any package, or letter, or communication of any kind from Berges, you repeatedly expressed in your note of the 31st ultimo your regret that, in spite of all your friendly efforts, I still refused to deliver up—not the package that he said he delivered to me, but the package which he did deliver, thus assuming, as it appears to me, that, in spite of my absolute denial, he had done so, and you knew it. But I have no wish to discuss technical or verbal questions. Your disclaimer, that it was not your intention to question the truth of my statements, I shall accept as satisfactory.

You then state that it is not your fault that you have been obliged to put in your official correspondence the declarations of criminals, as you had in a friendly manner, in the personal interview of the 25th of July, informed me of all that you afterwards wrote in your official notes. To this I must object to this extent: You told me that you knew all; that you knew I had received such a package from Berges; and that you also knew of my relations with the traitors. I told you that you could not know of things which did not exist. But you did not tell me of any specific declaration of anybody, and I had no more idea of what you were alluding to, or of what might be the purport of your next note, than I now have of the questions to be discussed this evening by the Parliament of England. As I knew of no such package, and as I had never heard the words conspiracy, combination, collusion, or correspondence with the enemy, and did not believe there were any persons in the country so utterly reckless and foolish as to engage in any such desperate enterprise, I think I was justified in saying that in coming to me for information you were seeking after impossibilities. You were looking for proof where it did not exist.

The report of the declaration of Dr. Carreras, as given to me in your note, is so full of news, and contains so many statements of occurrences and circumstances that I never heard of or suspected before, that it seems to be unnecessary to examine them in detail. I will therefore give, to the best of my recollection, all that I know of him or his doings in this country.

A long time ago—I think nearly a year—at a time when, owing to certain rumors, it was believed that the war was not going on favorably

to the cause of Paraguay, Dr. Carreras came to my house, and in the course of conversation expressed his apprehension that if the allies were to succeed he would be in very great danger; that he was very obnoxious to them by reason of the active part he had taken against them, as head of the government of Montevideo, at the commencement of the war. I told him that, in such emergency, whenever he felt the danger to be nigh, if he came to my house, I would give him all the protection that my legation and flag could afford. Nothing more was ever said on that subject till we received the news that a part of the enemy's squadron had passed Humaita. The next day Rodriguez Larreta came to my house, and said that Carreras was then inclined to except my offer of months before, and that if it was agreeable to me, he would accompany him. I told him to act according to his own pleasure, and that I should do all in my power to aid and protect all persons who might be obnoxious to the enemy. The next day, if I recollect aright, they both came in, and I gave them shelter. We all believed that their residence here would be but a temporary affair—a few days more or less. Yet, when the iron-clads came up the next day, and returned after making such a sorry exhibition of themselves, it appeared that though they had passed Humaita, the enemy were afraid to take the chances of a general and decisive battle. Then both Carreras and Rodriguez expressed their fears that they were an incumbrance in our family; but we told them to be easy on that score; the town having been evacuated, we wanted company, and as they were both men of education and intelligence, we preferred that they should remain with us. One important object in this was that we might learn Spanish. They remained, therefore, but never was a word, or hint, or expression made in my hearing or to my knowledge, by either of them, in regard to any conspiracy, revolution, or political combination against the government. On the contrary, when I went down to San Fernando, Dr. Carreras requested me particularly to advise his excellency Marshal Lopez of the pecuniary loss he was subjected to by remaining, and to say that he came here as the determined enemy of Brazil and her policy, and that he had not changed his opinions since he had been here, and that if he could get away, it was his purpose to go to the Pacific States, to enlist them in behalf of the cause of Paraguay. These representations I made to his excellency, but as I saw he was not disposed to give a favorable answer, I so reported to Carreras on my return. But though he seemed to be disappointed, he never intimated to me any knowledge of a conspiracy, or gave me the least intimation that he had ever had any communication with Caxias.

A few days previous to receiving information of the arrival of the Wasp at Curupayti, I had sent away my last despatches for Washington—that is, on the 28th of April. You express regret that I should not have noted in my diary the names of the persons for whom I sent letters. I also regret it. But such is the fact, and it is now too late to remedy it. The declaration of Carreras, however, calls to mind one circumstance that I had previously forgotten. It is, that he sent letters at that time under cover to John F. Gowland. That, I believe, is correct. He did send his letters thus addressed, thinking, or pretending to think, that being thus directed, there would be less danger that they would fall into the hands of the enemy than if directed to members of his own family. He professed to fear lest his letters would be intercepted or opened on the other side, and therefore sent them to a friend in Buenos Ayres, to avoid suspicion. I had known Mr. Gowland as the most enthusiastic friend of Paraguay I had ever met in Buenos Ayres or Monte-

video, and as Carreras said his letters were only family letters, I could not imagine that any Paraguayan interest could be prejudiced by sending them. I may have been wrong in sending letters for anybody without first knowing their contents, but, as the minister of foreign affairs had already asked me to do the same thing for him, I could not suppose that the government would object to my sending family letters from persons holding no official position. If Berges, as minister, could ask me to send his letters at a time when I believed him a loyal man and a patriot, can't his government complain with justice that I sent family letters for other persons? But why ask questions of this kind? The government does not complain that I did not send the letters of Berges, but that I did. I, on the contrary, say that I never did send a letter for him under flag of truce, and I never could send any in any other way since my return from Paso Pucu, in March, 1867, at which time I presumed Berges was still loyal; and in sending through his letters and other correspondence I supposed I was doing a favor to the government.

After my return from San Fernando nothing occurred to vary the monotony until, on the 16th of June, Leite Pereira and his wife appeared here, to the surprise and regret of all, and asked permission to stay. I could not turn them away without exposing myself to the charge of inhospitality, and though in my judgment his coming here was an unwise step, yet, if he preferred to remain, and see if the government had anything against him, he might do so. This resolution of mine was approved by both Carreras and Rodriguez, and they both agreed, with me, that it was not a wise step for Pereira to take. We knew, or at least I knew, nothing of the relations of Pereira with the government, except what he then told me. And I remember well that on the day of his arrival Rodriguez told me he had told Pereira that if the government had anything against him—if he was in any way implicated in any transaction that might compromise him—he ought to confess all and everything to me confidentially before taking up his residence in my legation, and exposing me, my family, and all the other inmates of my house to the annoyance and pain that, if there were anything serious against him, would result from his coming here. But Pereira always said there was and could be nothing against him, except that he had spent all his own money, and all he could borrow, to relieve the necessities of destitute foreigners, trusting that they or their friends or their governments would repay him after the war. He always protested, however, that he had no security nor assurance from any government that a single shilling would ever be repaid to him.

When, on the 27th of June, you requested me to deliver up the said Leite Pereira, you will recollect I declined to do so, and in my note of the next day I took the ground that I was under no obligations either to deliver up or send from my legation any person who was not specifically accused of some grave offence against the government or laws. I have ever since strictly adhered to this position, and when I received your note of the 11th of July, repeating your request that he and all the others not belonging to the legation should be sent away from it, but making no specific charge against him or any one else, I told them all that they might go or stay; that I should turn no one into the streets till some charge was made. Pereira was of opinion, in which Carreras, Rodriguez, and myself concurred, that he had better go voluntarily, as, if the government had nothing against him, he would have nothing to fear, and if it had, it would certainly get possession of him, either by making a specific charge or by taking him away by force. The next day Carreras and Rodriguez were called for in still more urgent terms;

but as no specific charge was made against them, I told them, as I had told Pereira the day before, that they could go or stay, as to them should appear the better course. They both said that the government had not, and could not have, any specific charge against them; that they had done nothing during their residence in Paraguay that could compromise either themselves or anybody else; and that, if every act of their lives were known to the government, not a thing could be discovered hostile to it. They, therefore, said that if I would promise to remain in Paraguay till the close of the war they would not leave the legation, as, if I refused to send them away till direct charge was alleged to them, which charge, they said, it was impossible to make, they did not believe that the government would take them by force. But I told them I could not promise to remain in Paraguay till the end of the war; I was every day expecting the American gunboat, that would probably bring me instructions to return immediately to the United States, and also very likely bring a successor to take my place as minister. Under those circumstances I could not promise to remain in Paraguay to the end of the war. They both said, then, it would be better for them to go away voluntarily, as a few days or weeks, more or less, would make little difference, and if the fortune of war were to be finally adverse to Paraguay, they would at last be exposed to fall into the hands of the enemy, from whom they expected little mercy. Carreras particularly dwelt upon the dangers to which he would be exposed if ever he fell into the enemies' hands, and, I thought, did not, when he left, appear quite satisfied with my course. He seemed to think that I ought to have promised to stay till the end of the war. He may have felt a deep resentment towards me on that account; but it is hard for me to believe that from such motive he would fabricate a series of such monstrous falsehoods as appear in his declaration, and try to implicate me as knowing of a conspiracy of whose existence I had not the most remote idea. But I can think of no other motive that could have induced him to make a declaration so false and so wicked. In fact, the more I know of this affair, the greater is the mystery in which I am involved. I can make nothing of it except that, directly under my eyes, there was a horrible conspiracy being formed, of which I knew or suspected nothing, and that the parties to it, after having abused my confidence and hospitality, have sought to divert the world's indignation from themselves by implicating in their crimes the minister of a great, a powerful, and an honorable nation. I may be wrong in my suspicions. God knows I would not wrongfully or unjustly accuse or suspect anybody; but that there has been treachery, ingratitude, and villainy practiced upon me in some quarter is but too evident. All, however, will some day be made clear, and the guilty parties must hold a place in the history of infamy never before paralleled.

As this statement of mine is entirely inconsistent with, and directly contradicts, everything in the declaration of Carreras, it is not necessary to deny in detail the numerous falsehoods which it contains. The two statements are directly at variance. There is no possibility of harmonizing or mixing the two. One or the other is a string of monstrous falsehoods, and I leave it to the government of Paraguay to pronounce which it will accept as the true one.

There is one point, however, in this declaration of Carreras on which I would be glad to have further information. It is that where he says he has

The most profound conviction that there exists in the office of this legation—probably in an iron safe there—the papers brought from the house of Berges, as he has previously declared

Of course, I cannot know, for a certainty that among the multiplicity of sealed papers, trunks, and boxes that have been left in my house within the last six months, that none of them contain the papers referred to. Yet I do not believe it. But if there be such papers here, and the person who left them or sent them will send me a written order for their delivery, and give such a description of the package that I may know it, I shall be most happy to deliver it. But I have no knowledge of any such papers.

The statement of Vasconcellos, that there was a letter for Carreras in the package sent by the Baron de Sousa, and that I brought it in from his chacra and delivered it, contains, so far as I can see, but two errors; and as these are not important, his declaration may be considered as truthful in comparison with the others. He says he opened the package of Baron de Sousa in my presence, and that the letter which he delivered to me for Carreras was a large one. Neither of these statements is correct. He took the package inside to open it, while I sat outside, and brought out some of his own letters, which he read, and afterwards gave me not a large, but a very small, letter for Carreras, which I brought in and delivered. But I do not mention this to correct the misstatements of Vasconcellos; I allude to it only to protest against the complaint made by you, that I have thus been a channel of communication between the conspirators and the enemy. I had received a package from the Baron de Sousa, Portuguese chargé d'affaires in Montevideo, for the Portuguese vice-consul in Asuncion. Was it not my duty to deliver it? I knew nothing, suspected nothing, of its contents, and I did as I had always done when letters had come to my care from beyond the lines—that is, I delivered it, asking no questions. When Berges was minister, I have received documents and communications for the Foreign Office that had been sent to me, and I promptly delivered them. What else could I do? If there were treasonable letters in his correspondence, was it my fault? If a gunboat should come to-morrow, and bring more correspondence for your ministry, shall I not instantly deliver it? Or shall I say that because one minister has been proved a traitor, and lest there be more treason in the letters sent to my care, I will believe nothing? I think that on further reflection you will admit that, in regard to the delivery of that package, I did only what in duty and courtesy I was bound to do.

But dismissing the declarations of Carreras and Vasconcellos, I pass to that of Berges; and I will remark that, were it not for the gravity of the subject, it would afford me much amusement to expose its contradictions and absurdities. I shall show from the declaration itself that it contains as many falsehoods and contradictions as it has sentences; that my best and most friendly acts towards Paraguay have been studiously and maliciously perverted, and that, so far from his bearing no malice towards me, he has for a long time been treasuring up the most innocent and harmless expressions, to misquote and misrepresent them, with all the devilish malignity of an inquisitor. What his original motive was I do not know. Whether it was that he had heard I had spoken to his excellency the President of his reserve and want of frankness with me, or whether he hated me from a consciousness that I would not be a party to his conspiracy, or whatever was his motive, it now appears that my charitable judgment that he had not acted from malice towards me was a great mistake.

I regret that Berges has not yet given the date of his first treason, and told us when, from a patriot, he turned traitor. Without the knowledge of that fact, it is scarcely possible to make anything intelligible

from the whole of his long, confused, and contradictory declaration. At one time he represents himself as talking to me like a loyal man and a patriot; then he talks of the plans of himself and his fellow revolutionists; and then again is acting the part of a patriot and friend of his country, changing thus his character as readily as a harlequin in a pantomime.

I will now proceed to examine in detail this jargon of contradictions, this medley of patriotism and treason.

And first I will take up his statement that when I made my second visit to him at his house in the Salinares I expressed my sympathy for him in his sickness, and my desire to be of service to him, he understood by that that I would give him asylum in my legation in any unlooked-for event. He afterwards speaks of that, not as an asylum against the enemy, but against the government of Paraguay. This is a self-evident absurdity. If there were to be a revolution, or "pronunciamiento," and it were to be successful, there would be no need of asylum for any of the parties engaged in it; and if it were unsuccessful, was he so stupid, or I so ignorant, as to suppose that the conspirators could escape the punishment of their treason by taking refuge in my legation? How, then, could he understand a simple expression of courtesy to mean an offer absurd and ridiculous in its very terms? It is impossible.

I next pass to his very grave accusation—that when his excellency Marshal Lopez was sick at Paso Pucu, in 1866, I often went or sent to inquire after his health. He also says that I spoke to him, about that time, of the necessity of making terms of peace with the allies, indicating General Bartolomé Mitre as a proper person to negotiate with; to which he adds that I made various remarks on the questions involved in the war, and the terms that Paraguay ought to make with the enemy. Of any such conversation I have not the faintest recollection. Yet that the whole statement is so absurd as to prove its falsity you will see by reference to dates.

It was not till the 8th of November, 1866, that I arrived at this place on my return from the United States. To get here I had spent a year and two months, during which I had been exposed to almost every inconvenience and annoyance imaginable. I had been rudely treated in Buenos Ayres by the Brazilian minister, Octaviano; I had had my letter from the Argentine minister of foreign affairs, Elizalde, repudiated by General Mitre, though he had previously promised to respect it; I had been rudely told by Admiral Tamandare that I should not pass through his lines; and, what was worst and most mortifying of all, I received no support or sympathy from any representative high in the confidence of my own government except from my late colleague in Buenos Ayres, the brave and noble old soldier, (Heaven rest his soul!) General Ashboth. Yet I forced my way through, greatly to the disgust of both Mitre and Tamandare. I had not seen Mitre for four months before, or since I had written him a strong protest against my detention and against his duplicity and bad faith towards me. And yet Berges says that I had no sooner got here than I proposed Mitre as the proper person with whom to negotiate terms of peace. The mere statement of the facts is a sufficient refutation of this clause of his declaration.

The next allegation of Berges is, that when I went to visit the Marquis de Caxias, to treat about peace, I had neither the spirit nor the desire of laboring for the interests of Paraguay, and in proof of it he then reports me as saying the very things in regard to Paraguay and its people that their best friends might and naturally would have said under the circumstances. He adds that if I was badly affected when I left to treat with

the enemy's general, I was still worse after my return. As he gives no reason for this opinion, I am led to infer that he judged me to be friendly to Caxias from the tone of my letter to him after my return from his encampment. From his captiousness and his complaints of my lack of zeal in behalf of Paraguay at that time, I conclude that he was then acting the patriot and not the traitor.

The next count in the declaration of Berges being only an expression of opinion that all my efforts to return to Paraguay were but a farce to deceive this government, and that my real desire was to serve the allies. I will pass it by with the simple remark that, should it ever meet the eye of the Marquis de Caxias, it will doubtless cause a grim sardonic smile, and that Admiral Tamandare will be surprised to learn that when the Shamokin forced the blockade, against all his protests and objections, it was doing so in the interest of himself and his allies.

To the charge that I never gave credit to the papers of the country when they published news of brilliant feats of arms, I have to say that I freely admit that I have thought some of the reports of victories in the *Semanario* were a little exaggerated. But this opinion I never expressed where I supposed it could dampen the spirit or hopes of the people. In conversing with the minister of foreign affairs I saw no reason why I should not express my real opinions. My object was always to endeavor to learn as much as possible of the actual situation, and to judge from that whether I could devise any means by which a peace, honorable and advantageous to Paraguay, could be effected.

But though there is a grain of truth in what Berges says of my not giving credence to all that was published in the *Semanario*, it seems he could not state even that without mixing it up with several palpable self-evident falsehoods. He says that I even discredited the news of the defeat of the allies at Curupayti, and that I said it was simply a retreat, and that I gave as my authority the late French consul here, M. Cochelet, who had received the information from the French agent, who was present at the combat. At the time the battle of Curupayti was fought I had not arrived in the country. I was still in Buenos Ayres, and I remember well that the Buenos Ayres papers spoke of it as a most terrible and disastrous defeat for the allies. It was six weeks after that before I arrived here, and yet Berges represents that after my arrival I tried to make it appear that it was no defeat at all.

The next point that Berges makes is, that I was constantly seeking for some occasion of controversy, and in order to get away from the country. I was not aware before that a foreign minister must get up a controversy or have a breach with the government to which he is accredited in order to leave the country. I had supposed that he had only to ask for his passports, and the government was not only bound to give them, but to furnish him with the means of going away. The exact contrary of what Berges says is the truth. I have indeed long been desirous of returning to the United States, but thought it my duty to remain, though much against my interest, either till the war was ended or my successor should arrive. But Berges says that by means of his personal friendship he was able to quiet me, and prevent me from having a breach with the government. I say, however, that previous to his leaving for Paso Puen, in February, there was scarcely a wave or ruffle of discord between me and the government of Paraguay. Personally I had always been treated with marked kindness by both government and people, and it is impossible for him or anybody else to show the occasion that I tried to make a breach of our friendly relations.

Respecting the allegation that I was an intimate friend of M. Cochelet, and my opinions and remarks upon his successor and the Italian consul, I have only to say that though I have expressed the opinion to others that the latter ought not to have left their posts to which they were appointed for one not known to their respective governments, I do not see that such being my opinion why I should not express it.

Berges's opinion that I have received money from the Brazilian government, and that because I have not succeeded in doing the same with that of Paraguay, I have therefore tried to work against it, is perhaps worth as much as that of any other man who knows nothing of the matter. I would ask, however, if it is quite just and proper to put such a statement in an official note when not a particle of evidence is, or can be, adduced to support it.

There are several conversations reported in this declaration of Berges of which I had no recollection. When I was in the camp of Caxias he told me that General Osorio would soon be at Itapua with 10,000 troops, and after my return I remember looking over the map with Berges in his office, and asking him concerning the forces that Marshal Lopez would have to oppose him, if he should attempt to march with that force directly on the capital. Berges remarked that if such a thing were attempted by Osorio not a man of his whole army would escape alive. When at Paso Pucu a short time before I had discussed the same thing with his excellency Marshal Lopez. I talked with Berges on various occasions of the prospects of the war, and the dangers to be averted, and supposed that all I said would be taken as the word of a friend, taking it for granted that if I said anything of sufficient importance to merit it, he would communicate it to his excellency at Paso Pucu. Many of his statements, however, such as that the war was popular in Brazil, that the public spirit in the Argentine Republic was aroused, that the allies could get all the money they required—which he alleges that I made at different times—cannot be true, as I had no information on which to base such opinions, and the little information I did have was entirely to the contrary. Many rumors used to be afloat—some false, and some that afterwards proved true. Whenever speaking of these rumors, if for any reason I did not wish to give the name of my informant, I sometimes said, if asked how I had obtained my information, that the birds had whispered it to me; and I remember that some days before I heard of the passage of the iron-clads by Humaita, he told me we should soon have important news from below, and when I asked him his reasons for thinking so, he replied with the same expression—"that the birds had told him." That led me afterwards to suppose that the news of the passage was known by him at the time, and several days before it was publicly announced.

The next point in this strange declaration of Berges to which I will call your attention, is that where he says I showed great indignation towards the allies because of their inaction. I think that every loyal Paraguayan was angry with them for the same reason. It was known, or at least it was constantly asserted in the Seminario, that the Paraguayan army was only anxious to be attacked—that the legions of Marshal Lopez were confident that if attacked in force at any point they would give the enemy another Curupayti; they were anxious to close in with their foes, and decide the contest by honorable and hard fighting. The allies, however, with their large army and immense squadron, always kept at a safe distance, and in my indignation at their mode of warfare, I remember to have said to Berges it was cowardly, it was barbarous; that if they could conquer Paraguay by fair fighting, it would be legitimate

warfare; but if they attempted to exhaust and starve out the people by means of superior numbers and resources, it was infamous, and deserved the execration of all civilized nations. I wrote repeatedly to my government in the same strain, saying that other nations ought not to allow such a brave and gallant people as the Paraguayans had shown themselves to be thus exterminated. But the heart of Berges, it seems, was so full of treason, and his eyes so jaundiced by corruption, that in expressions of this sort he could only see allusions to his own treacherous plans.

The next statement of Berges is entire fiction, and therefore I can only oppose to it my positive and absolute denial. I had never heard of any combination or conspiracy in the country, nor of any committee of conspirators, nor did I ever suspect, till so advised by you, that Caxias was in correspondence with any person in Paraguay. The name of Don Benigno was never mentioned to me by Berges, unless it was casually and in connection with some matter of no importance whatever. Indeed, Berges and all his fellow-accomplices did me the greatest compliment in their power; they never directly nor indirectly confided to me anything of their plans, and, until so advised by you, I had no idea of the conspiracy that was on foot. I had always supposed that only by hard fighting could this war be brought to an end, and had never believed, since the efforts of my government at mediation had failed, that any other solution was possible.

I pass over several other of the statements of Berges in regard to conversations held with me, with this remark, that I remember nothing of them. I only know that I never entertained any such ideas or opinions as he attributes to me. Very likely I said to him that, notwithstanding I remained here, much to my own personal loss, and was exposed with my family to many inconveniences and discomforts, I was, nevertheless, disposed to remain to the end of the war. But it was that I might be of service to the Paraguayan nation and people, and not to the insurgents and traitors, as he represents. In fact, I never suspected there were any such in the country. All knowledge I have of their existence has come to me within the last month. Of one thing Berges, notwithstanding he has been in the United States, seems to have been entirely oblivious or ignorant, and that is, that a minister of the United States, who should be known to have taken part in a revolution against the government to which he was accredited, would, whether it were successful or not, be thenceforward ruined and disgraced in his own country. His public career would be ended, and he would be held infamous, both by his government and countrymen. I observe that Berges declares that I did not like to use the word revolution in my conversation with him. That is true, and for the very good reason that I never had occasion to use it, as I never suspected that any such thing was in contemplation. His other statements, that I did not wish to leave the country because of my desire to be of service to the people here, will be both true and intelligible if, instead of insurgents and revolutionists, are used the words Paraguayans and patriots:

Regarding the assertion that after my return from the enemy's camp, nearly a year and a half ago, I said to Berges that I should write to my own government that the cause of President Lopez was losing ground, and prepare it for the revolutionary movement that was to follow, I would be glad to know if I made this statement to him in the character of a loyal man or a traitor? In other conversations, held subsequent to that time, he assumes the character of loyalty. I will say, however, that all my dispatches have been of the same general tone and tendency, and

they will show to my government that every charge thus alleged by Berges, as that I have never been in reality a friend to Paraguay, is utterly, basely, and scandalously false. All the testimony of all the conspirators united, if it were to this effect, would be utterly disproved by the dispatches that I have sent from time to time to Washington. Unless I am greatly mistaken, the effect of my representations to my government will soon be perceptible in the allied squadron. The allies will soon be compelled to allow an American gunboat to pass their blockade or detain it by force, and a forcible detention will be war with the great republic. Such a war, commenced under such circumstances, when taken in connection with this correspondence, will certainly be an anomaly and curiosity in history.

From one of the statements in the declaration of Berges, I am led to infer that this conspiracy, of which he seems to have been the master spirit, has been a long time smouldering. He says that his reply to the first letter of Caxias was sent by me. As I never sent any letters for him when I sent my correspondence under flag of truce, to be sent forward by the favor or courtesy of the enemy, this letter must have gone as long as a year ago last March, either when I went through to the camp of the Marquis de Caxias, or shortly after, when the commander of the American gunboat Wasp came through to bring me my dispatches. Those were the only two occasions I ever had of sending anything for this government without abusing the confidence of the allies, and on both occasions I sent numerous letters from the ministry of foreign affairs. If there was among them a letter for Señor Brito I was not aware of it, and it must have been under cover to some one else. If that letter passed through at the time of my last visit to Paso Pucu, it must have accompanied the copy of Berges's long official letter to me of the 24th of March, 1867. If at that time he could send forward so elaborate a defence of Paraguay and her cause, and at the same time send a treasonable letter offering to betray that very cause, you must admit that conduct so infamous would merit universal execration, and that whatever declaration he might make when caught in the snares of his own plot, while it might be true, should be presumed to be false.

The last count in Berges's declaration purports to be a report of conversation held with me a long time ago, soon after my return from the camp of Caxias. What he says that I told him in regard to the expenses of Brazil, I am inclined to think is in the main part true. But even this he could not tell without adding a transparent falsehood. He states that I said the Brazilians, to make up the million a day that they were spending, would show "*las cuentas del gran capitán*," (the yarns of the grand captain.) What the meaning of this expression was I did not know when I first saw it in your note, and was obliged to ask my translator, Mr. Bliss, to explain it. Thanks to Berges, however, I have now learned its meaning, and in a way I shall not soon forget it.

There are other points in your note which I ought perhaps to allude to, but this letter is already run to such great length that I will bring it to a close. Had these declarations come from men of low, or even ordinary, position, you will admit that the only proper and dignified course for me would have been to have indignantly denied them. But when men who have held high positions, like Berges and Carreras, make such charges, it is due to myself, and is due to the government of Paraguay, that I should lend my assistance in exposing their falsity and arriving at the truth. It is fortunate for me that I had not left the country previous to the discovery of this plot. Though my dispatches to my gov-

ernment would have completely disproved the declarations of the conspirators, and though I have no doubt that the letters which they have sent below will show that I was entirely ignorant of their plans, and that they had not dared to confide them to me, yet the impression would still have prevailed among many people that I had been a party to the not only wicked but inexpressibly stupid plot. I make no complaint that these declarations have been included in an official correspondence, though had you informed me unofficially of their nature I would have given you in the same manner all the information that I have been able to give in this correspondence. But even then all the information I could have given would only have amounted to this: That if there was a conspiracy against the government I have never known it or even suspected it.

Having thus declared so explicitly that I had never known anything about the conspiracy till advised of it by you, and that the conspirators never confided to me any of their plans, the correspondence for my part on this matter must here close. If the government accepts my words as true, it must admit that I can give no information. I have no information now on the subject except what I have obtained from your notes, and of course I can give none. If, therefore, the government accepts my statements in good faith as true, it must be willing to drop the correspondence here. But if it does not thus accept them, then respect to my own character and the dignity of my office would forbid me to continue it. Under these circumstances it appears to me that in justice to itself and to me the government of Paraguay should adopt one of two courses: It should accept my statement as true, and drop the correspondence, or, refusing so to accept it, should accede to my request in my letter of the 14th of July, and send me my passports, and provide me with the means of leaving the country.

I observe that this correspondence is being published in the *Semario*. I observe, however, that one of my letters, that of July 22, has not appeared. Will you pardon me for calling your attention to this matter.

This note is already so long that I must again crave your indulgence for postponing the consideration of the case of Mr. Bliss and Mr. Masterman. As soon as I can prepare the letter, however, I will give my reasons at length why I have not sent them from my legation.

I avail myself of this occasion to renew the assurances of distinguished consideration.

CHARLES A. WASHBURN.

His Honor GUMESINDO BENITEZ,
Acting Minister for Foreign Affairs.

Señor Benitez to Mr. Washburn.

[Translation.]

LUQUE, August 11, 1868.

I have the honor to inclose to you the accompanying letter which the criminal José Berges has requested his judges to send to you on account of having declared that, besides the papers before mentioned, you had received in deposit the others to which the same letter alludes.

Berges considers this direct communication with you necessary, in order to fully satisfy the demands of justice, as he says he desires.

I improve this occasion to renew to you the assurances of my distinguished consideration.

GUMESINDO BENITEZ.

His Excellency CHARLES A. WASHBURN,
Minister Resident of the United States of America.

Señor Berges to Mr. Washburn.

[Translation.]

SAN FERNANDO, *August 5, 1868.*

SIR: Events most unexpected by me decide me to address you this letter from the camp, to request you to have the goodness to deliver to the bearer three sealed packages which I deposited with you in my quinta at Salinares, at the beginning of July ultimo, at the time of the first visit which I received from you a few days after my arrival at the capital. The first is labelled by your own hand with the title, Papers of Berges, and is the largest, being that which contains the correspondence which I have exchanged with the Marquis de Caxias; the second is labelled, Private Correspondence of Berges, and contains the letter exchanged with various persons in the Rio de la Plata; and the third is a small roll with the label, Papers of my brother Miguel.

On this occasion I take pleasure in saluting you, and in renewing the assurances with which I am your most attentive and sure servant,

JOSÉ BERGES.

His Excellency CHARLES A. WASHBURN,
Minister Resident of the United States of America.

Mr. Washburn to Señor Benitez.

LEGATION OF THE UNITED STATES,
Asuncion, August 12, 1868.

SIR: I have just received the note of your honor dated yesterday together with a paper signed by José Berges, in which I am requested to deliver, not one, as formerly represented in his declarations, but three packages, which he says he delivered to me at his house in one of the first days of July, at the time of my visit to him a few days after his return from San Fernando. Not having ever received any package, letter, or communication from him, as I have repeatedly advised you, I am unable to see the object in sending me this paper. In my note of yesterday I said if any person had ever sent or brought any such papers to my house, and would send a written order for them, and a description so that I could know which they were, I would be happy to deliver them. But I did not promise impossibilities, or to deliver papers I had never received, whoever might send for them, or however minutely they might be described.

I avail myself of this occasion to renew assurances of distinguished consideration.

CHARLES A. WASHBURN.

His Honor GUMESINDO BENITEZ,
Acting Minister of Foreign Affairs.

Mr. Washburn to Señor Benitez.

LEGATION OF THE UNITED STATES,
Asuncion, August 13, 1868.

SIR: Excusing myself for the delay in answering that part of your note of the 31st ultimo, relating to the case of Mr. Bliss and Mr. Master-

man, which I have deferred in order to answer the part of it which seemed to me of more pressing importance, and also to answer your subsequent very long note of the 6th instant, I will now proceed to give my reasons why I have not dismissed those two persons from my legation, and why I ought not to do so.

At the conclusion of your note of the 31st ultimo, you say that you have not the remotest doubt that full and inflexible justice would be done by the American government, and then ask if it can be in full possession of the case, as is the national court of justice; if it would send the record of its trial for a new substantiation, if it could do so, and would its administration of justice be sufficiently timely?

To these questions I will remark that there would undoubtedly be considerable inconvenience in sending these persons for trial to the United States; but that does not affect the law in the case in the least. Whenever an embassy is received from one government by another, the latter accepts it under the conditions imposed by the law of nations. This law is of such importance that its rigid observance is indispensable for the peace of the world. It is only under the protection of this law that nations can negotiate with each other, as to carry on their negotiations it is necessary, especially in time of war, that there should be some persons who should enjoy entire security and immunities from the local laws. This code, universally recognized as binding on all nations, has been of the greatest advantage to them all; but it also has its disadvantages. Under it the nations that receive foreign embassies are required to concede to them certain privileges which are not conceded to any other persons. They resign the sovereignty over the premises occupied by the ambassador, and by the fiction of extra territoriality his legation is considered as the territory of his own government. Except under very extraordinary circumstances his house cannot be entered by the police, and no member of his legation can be cited before the local tribunals; and if they commit any offence against the laws of the country, all writers on international law declare that the minister shall either punish them himself or send them to his own country to be tried. These privileges and immunities, doubtless, frequently cause serious inconveniences to the local administration. But, is it not better to submit to such inconveniences rather than have the law abrogated? I have known such instances of inconvenience in my own country; one of which I will mention. In the year 1856, an important witness of a homicide in the city of Washington, that excited great public attention, was an attaché of the Swedish legation. His testimony was very much desired by the tribunals, but he was never cited formally as a witness; and to the request that he would appear and testify voluntarily, he replied that he would not do so, and my government had no power to compel him.

Your honor asks, in your note of the 23d July, if it does not appear to me that if the immunities of a minister should reach to the extent claimed by me, that there would be no nation in the world which would be willing to accept an embassy? To this I will reply that all nations do, and are glad to, receive embassies on these very terms. What have I claimed? Simply this—that George F. Masterman, who came to my house at my solicitation as medical attendant of my family nearly eleven months ago, and has lived in my house ever since, and had his name given in as a member of the legation more than four months ago, to which no objection was made for three months afterwards, is to all intents and purposes a member of this legation, and entitled to all its privileges. I likewise claim that Porter C. Bliss, who also came to my house at my solicitation, to serve as translator, and to assist me in any other way

that I might require, and whose name was given in at the time as a member of my legation, and no objection being then made to his remaining in it, but only to the capacity in which I had classified him, is also a member of this embassy.

You, on various occasions, speak of them as refugees who have sought asylum in my house. They did not seek asylum here. I sought them, and engaged them to come here because I needed their services. At the time they came there was no charge or accusation against either of them. How, then, can they be considered refugees? They were not refugees, and this is not a question of the right of asylum, but of the rights of legation.

You, however, allege that they have never been recognized by your government, but that, having refused to recognize them, I therefore have no right to claim them as exempt from the local jurisdiction. But this refusal was not made till after they had been claimed as criminals, and months after they had been tacitly acknowledged as belonging to the embassy. Such refusal was quite too late to affect the case.

The doctrine advanced by you, that a foreign minister cannot claim legation privileges for his servants, secretaries, and other members of his household, till the government to which he is accredited specially recognizes them by name, is something entirely new to me; something that I do not find in any writer on international law. If a minister gives in a list of his suite, and no answer is made, no objection is taken by the government, then it tacitly acknowledges that all included in that list are members of the legation, and it cannot afterwards plead its own failure to acknowledge the minister's letter as a justification of its refusal so to recognize them.

That this is correct reasoning you must admit, if you will apply it to my own case. Though I have given two lists of the members of my legation, you have never recognized a single person now in it, unless it be Mr. Bliss, and Baltazar, the colored servant left with me by Dr. Carreras. But you have never recognized either my wife or child, or my private secretary, who has been in my service for more than a year and a half, or the servant girl that we brought with us into the country. According to your reasoning and logic, however, you have only to say that any one or all of them is accused, and that the government refuses to recognize them as belonging to my legation, and I have no remedy but to send them away. Such is the inevitable conclusion to be drawn from the premises and logic of your honor.

To the question whether or not the punishment that my government would administer would be timely, I reply I do not see why not. You cannot suppose that these two individuals, closely shut up as they are in this legation, and having no communication with any person outside of it, can be dangerous. If not, why will not their punishment, if proved guilty, be as timely some months hence as now? If they can give any evidence which is necessary to ascertain the truth in regard to other accused parties, they have both expressed their willingness to do it; and should the government choose to send a notary to my house to examine them, I will give him every facility for doing so. I will also say that Mr. Bliss has declared, in relation to the paper which you in your note of the 23d of July say that he "in a secret committee of mutual obligations" has signed to commit an infamous crime, that if any such paper signed by him shall be produced at this legation he will instantly leave it. To this I will add that while I shall still insist on my rights of legation, I will undertake that he keep his promise to me.

In my former notes to you I have called your attention to this maxim

of law, that "every man is to be considered innocent until he is proved guilty." Yet you, disregarding this principle, continue to speak of these two members of my legation as criminals and refugees, without ever having given me any proof of their guilt. You have also complained that I should not receive your official statement of their criminality in preference to their own protestations of innocence.

I have not allowed myself to question the sincerity of your belief in their criminality, but as you do not pretend to speak from your own knowledge I may yet doubt the truthfulness of your informants. Certainly you will not allege that the witnesses against them are persons who have enjoyed higher honors, or had previously been more respected than Berges and Carreras, whose declarations I know to contain almost as many falsehoods as sentences. If declarations so false have been made by them, with the object of connecting me with an infamous plot, is it not possible that equally false declarations have been made for the purpose of implicating others? I, acting according to the laws of my own country, must presume them innocent till I have a proof to the contrary. From your own personal knowledge of these gentlemen, you must be aware that they are, from education and habit, the very last people that conspirators and complotters would take into their counsels. Mr. Bliss, you are aware, is a man of extraordinary literary acquirements, and his whole taste and ambition is in literary pursuits; and Mr. Masterman is a man whose tastes and desires lead him to pass his whole time in scientific investigations. Neither one of them has any of the detestable gaucho characteristics that would lead them to take part in a revolution; and as I have known them both long and intimately, I am bound to take their solemn assertions, not only of innocence, but of entire ignorance of any plot or conspiracy, in preference to the declaration of any or many confessed conspirators or traitors.

But with me this is not a question of guilt or innocence. It is a question of the rights of legation. Months ago I gave in their names as belonging to my diplomatic suite, and the government by not objecting to them as members of my legation tacitly acknowledged them as such; it acknowledged them as much as it has acknowledged any one in my house, and has now just as much right to claim any one else of my family or household as to claim either of them.

I will add another consideration. Both of these men are so indispensably necessary to me that even if they did not belong to my legation, and the safety of the state were not endangered by their remaining here, I should ask it as a courtesy that they might be allowed to stay for the present. Without the aid of Mr. Bliss I could hardly have carried on the heavy correspondence I have had during the last month; and were Mr. Masterman to leave me, it would be, under the circumstances—when the aid of no other physician can be obtained—at the risk of exposing the lives of my wife and child and other members of my family; and I am sure that the government has no wish to expose me to any such calamity.

The position taken by you that until a government expressly recognizes the members of a legation they cannot claim its privileges, but are liable to be arrested like any other persons by the police, would, or might, at least, render his right of extra-territoriality virtually a nullity. The government might thus compel him to dismiss all his servants; it might prohibit his own subjects to enter his service, and thus leave him without any servant or assistant in any capacity, except such as it might suit its own purposes that he should have. I have never asked either you or your predecessor to recognize the members of my legation by

name, or, in other words, I have not asked the privilege of employing them. I am to be the judge of the persons necessary to the discharge of my official duties and the health and comfort of my family, and not the government of Paraguay. Should a minister on entering a country take with him in his suite known criminals, or persons obnoxious or dangerous from their political opinions, a government might undoubtedly object to concede to them legation immunities, and could insist that they should leave the country. But it would have no right to molest them, and would be bound to protect them in every way until they had ample time for their departure. In no case has a government a right to inflict any other penalty on a person attached to a foreign legation than to send him to his own country to be punished. If, however, the ground assumed by you is correct—that no person can claim legation privileges until he has been expressly recognized by the government, but may be cited before the local tribunals—then if I comply with your request of to-day, I may be called upon to send away the other members of my household tomorrow, as you have never recognized them as belonging to my legation.

If all are not in the same category, and some are and some are not entitled to legation privileges, will you please advise me which of the names in the list appended to this letter are recognized as belonging to my legation.

In your note of the 31st ultimo you observe that it is the more strange that I should still decline to send Mr. Bliss and Mr. Masterman from my house, since I shall then have superabundant means to give them protection. What those superabundant means are you do not advise me, nor do I understand what means will be left me to protect them when once in the hands of the local tribunals. Will you have the kindness to give me further information on this point?

In my note of July 14, you will recollect that from the tone and tenor of your preceding notes, and from the fact that you had finally called for two persons whom I had always considered members of my legation, I said it appeared that I had lost the respect and confidence of this government, and that, therefore, as it did not seem that I could be longer useful either to my own government or that of Paraguay, or to any individuals in the country, I requested passports for myself and for the members of my legation. To this you replied on the 16th, assuring me in the strongest terms that I still retained the esteem and confidence of your government, and expressing the hope that such assurances would lead me to reconsider my previous resolution. Such expressions I accepted as satisfactory, particularly when in the same note you again requested the dismissal of Messrs. Bliss and Masterman from my house, but said you would waive all further discussion on that matter, leaving it to my own sense of justice. I then believed that the demand would not be further pressed; but while preparing my note of the 20th ultimo, giving my reasons for the course I had felt it my duty to pursue, I was surprised and pained on receiving your note of the 19th, which was closely followed by those of the 21st and 23d, to observe a tone and tenor of an entirely different character.

This sudden change I have attributed to the strange and false declarations of Berges concerning me, and, if I am right in this surmise, I cannot wonder that, false as the declarations are, the government should have changed from confidence and regard to distrust and suspicion. But if the government has accepted my words in preference to those of a convicted traitor, I cherish the hope that it will resume the position taken in your note of July 16, and leave me to pursue the only course

that in my opinion will be approved by my government, by public opinion, and by the family of nations.

I avail myself of this occasion to give assurance of distinguished consideration.

CHARLES A. WASHBURN.

His Honor GUMESINDO BENITEZ,
Acting Minister of Foreign Affairs.

List of persons now resident in the legation of the United States in Asuncion.

The minister, wife, and child; Mrs. Leite Pereira; Carlos Meincke, private secretary; Kate Leahy; George F. Masterman, medical attendant; Porter C. Bliss, translator; George Hamilton, Baltazar Carreras, Bazilio Jara, Melchora Jara, Lucia Rivas, (lavandera.)

AUGUST 13, 1868.

Señor Caminos to Mr. Washburn.

[Translation.]

MINISTRY OF STATE FOR FOREIGN AFFAIRS,

Luque, August 28, 1868.

Having been intrusted with the department of foreign affairs, the undersigned, minister secretary in the department of war and the navy, has found a note of your excellency dated the 13th instant, not yet replied to, and in the interval of preparing a reply in the terms required by the occasion, I hasten to request of your excellency a specific list of the individuals of your legation for whom your excellency requests passports, in order to be able to make them out in conformity with your desire.

I embrace this opportunity to tender to your excellency assurances of distinguished consideration.

LUIS CAMINOS.

His Excellency CHARLES A. WASHBURN,
Minister Resident of the United States of America.

Mr. Washburn to Señor Caminos.

LEGATION OF THE UNITED STATES,

Asuncion, August 29, 1868.

SIR: I have the honor to acknowledge the receipt of your note of yesterday, in which I am requested to give you a list of the persons of this legation for whom I desire passports. Besides myself, Mrs. Washburn, and infant child, the following is the list of the persons belonging to my legation for whom passports are requested: Carlos Meincke, private secretary; Porter C. Bliss, translator; George F. Masterman, medical attendant; Kate Leahy, George Hamilton, Baltazar Carreras, servants.

I avail myself of this occasion to offer the assurances of distinguished consideration.

CHARLES A. WASHBURN.

His Honor LUIS CAMINOS,
Acting Minister of Foreign Relations.

Mr. Washburn to Señor Caminos.

LEGATION OF THE UNITED STATES,

Asuncion, September 2, 1868.

SIR: On the 11th ultimo I had the honor to address a note to your predecessor, Honorable Gumesindo Benitez, in which, after a statement of facts which it is unnecessary here to recapitulate, I remarked that it appeared to me that the government of Paraguay ought either to accept my statement in good faith as true and drop the correspondence to which it related, or else send me my passports and provide me with the means of leaving the country, as I had requested in my note on the 14th of July. From that time to this I have received no other answer than your note of the 28th ultimo, in which your honor requests me to furnish you with a list of the members of my legation for whom I desire passports. The only inference from this is that the government accepts the first of the alternatives presented by me, and does not accept my statement as truthful. I am, therefore, greatly surprised that the passports have not been given me, as I furnished the list as requested on the day that I received your note. I therefore have occasion to repeat the request made in my note of July 14, that passports may be furnished me and the members of my legation, and such facilities for leaving the country be provided as comport with the character of an accredited minister, with as little delay as circumstances will permit.

I take this occasion to render assurances of distinguished consideration.

CHARLES A. WASHBURN.

His Honor LUIS CAMINOS,

Acting Minister of Foreign Affairs.

Mr. Washburn to Señor Caminos.

LEGATION OF THE UNITED STATES,

Asuncion, September 2, 1868.

SIR: I have this moment received a note from Commander Kirkland, commanding the United States ship Wasp, dated the 29th ultimo, Paraguay River, between the Tibicuari and Herradura, in which he advises me that he has come by order of our government to take me and my suite and convey us to such point on the river below the allied squadron as I may select, and requests me to inform him at what point on the river it will be convenient for me to embark.

I have accordingly written him a note which I inclose with this, advising him that I am still in this city, and that it will be most convenient for me to embark at this port, and which I beg your honor to forward as soon as possible. Commander Kirkland expresses the hope that he may be detained as little time as possible, and as the United States have now for the second time forced the blockade of the allies, against all their threats and protests, and is, besides, the only power that has done so, or ever shown any interest in Paraguay during the war, or any desire to see fair play between the belligerents, I am confident that the government of Paraguay will grant him every facility for carrying out his orders. For this second vindication of the rights of nations as against the un-

lawful pretensions of the allies, will you have the goodness to express my congratulations to his excellency Marshal Lopez.

I take this occasion to renew assurances of distinguished consideration.

CHARLES A. WASHBURN.

His Honor LUIS CAMINOS,
Acting Minister of Foreign Affairs.

Señor Caminos to Mr. Washburn.

[Translation.]

DEPARTMENT OF FOREIGN AFFAIRS,
Luque, September 4, 1868.

SIR: I have received your note dated 29th ultimo, with the list of individuals, including your excellency, for whom you ask passports; and before replying to it I must give an answer to the one of the 13th ultimo, in which you state the motives for which you have not dismissed from the legation Messrs. Bliss and Masterman.

I am obliged to take into consideration some of those motives in order to follow you closely, but I shall not touch them all for fear that you should again complain of the length of my reply. I may be excused from any justification for giving you the trouble of having a great deal to read, since it is due to you that the matter, which was of easy solution on the ground of justice and right, has assumed so complicated a character.

My government, anxious to show its consideration and regard for your excellency, had moreover invited you to come to a verbal understanding, with a view of avoiding these long and unsatisfactory communications, a step which you cannot ignore, although you have not chosen to appreciate it as it deserved.

You were influenced in this by the same motive that induced you to give shelter in your residence to Messrs. Bliss and Masterman. Time will explain all. You have been sufficiently consequent as to extend your protection to these gentlemen in direct opposition to the dictates of a sound judgment, and to disregard any preferential consideration due not only to the justice and right of the case, but also to the peculiar conditions of the country.

In your note containing an explanation of your motives I have failed to meet those I expected, and which might somehow have justified your action in this matter. Far from this, that note is couched in dilatory terms; and I, therefore, consider myself free from the obligation of touching all the points it contains, or to allude more particularly to the profound erudition on the law of nations therein displayed by you.

The case of Bliss and Masterman does not admit of much digression. It is a very simple question. They have sought the asylum of the American legation when called upon by the courts of law to answer the grave charge of being accomplices in a revolutionary complot.

You have replied to the request of this department that they should be given up, stating that you consider them as members of the legation, without, however, justifying this assertion, but merely entering upon charges and arguments that can have but little weight in presence of the motives adduced by this department, more particularly in its note of the 31st of July.

This department certainly said then that if the immunities of a minister extended as far as you pretended, no nation in the world would receive a foreign mission; to which you replied that all nations do receive missions on those terms, and that you have only used a common right in refusing to give up Bliss and Masterman.

It is strange that the minister of a great and honorable nation, so familiar with international law, should allow himself to be so blinded by his anxiety to shield two criminals. I, for my part, must protest against similar assertions, and maintain that no nation can be desirous, as you state, to receive foreign missions that are disposed to protect criminals, by alleging that they belong to them.

I must first call your attention to the above-mentioned note of the 31st of July, referring to every part of its context, and then, by way of compliment, I will remark again that if you, in your note of the 13th ultimo, bring as a proof of Bliss being a member of your legation because you had requested him to go to your house, and had given him the character of being a member of said legation, and that the government had made no objection to his residing in your house, but only to the character under which you had classified him, I must repeat once more that from the beginning Bliss, as well as Manlove, have never been recognized by this government as members of your legation; and that they have only been allowed to reside with you in the same way as other individuals who at the time of the evacuation of the capital took up their abode in your house. No other interpretation can be given to what was stated on this head to your excellency by this department in its note of 23d February last.

You certainly stated in your note of 4th of April, by way of explanation, that you had written an answer to said note of the 23d February, under date of the following day, the 24th, but that you did not send it, as circumstances seemed to render it unnecessary, in your opinion, to occupy the attention of the government with purely personal matters of the legation, and adding that you wrote a note, and tried to forward to Berges a note similar to the one you inclosed. In this note you sent the following as the list of persons belonging to the legation, viz: Charles Meincke, German; Porter Cornelius Bliss, American; James Manlove, ditto; Concepcion Cazal, Paraguayan; Ana Bella Cazal, ditto; Dolores Caballero, ditto; Basilio Jara, ditto; Melchora Jara, ditto; and two washerwomen.

This note, dated the 24th February, was addressed to ex-Minister Berges, and contained an acknowledgment of the receipt of that of the 23d.

This department has not answered the note of 4th of April, and it could much less reply to the one sent as a mere inclosure, and as an explanation that there had been no want of courtesy or forgetfulness in not replying to the note in which the government announced its removal to Luque. On the other hand, Berges being absent from the Foreign Office at the time, obliged you to communicate directly with the chief clerk; and before this department could take into consideration the note of the 23d, it would have been requisite to have addressed it in the proper form. Moreover, you have not stated whether said note was to have been considered as still subsisting, or given any other explanation, whereas changes might have occurred in the very personnel of the legation between February and April. For all this, the note which you declare to have written on the 23d February, but to have sent only on the 4th April, addressed to an absent minister, besides the circumstances already adverted to, was in itself inefficient and defective; and I may add that when said note was received, the Paraguayan women, Concepcion Cazal

and Dolores Caballero, were no longer at the legation; and they have stated that they never asked that their names should appear in the list of the personnel of the legation, or knew that they thus figured. I allude to this circumstance only to show to you that if you have been pleased to put their names in that list, no care has been taken to erase their names from it when they ceased to reside in your legation.

From this simple statement it may be clearly seen that you can have no just ground for insisting in considering Porter C. Bliss a member of your legation, as well as George F. Masterman, whom you consider as such from the mere fact of having put down his name in the list contained in the note of 24th February, to which no objection has been made till three months later.

The practical deduction to be drawn from your notes and pretensions, as far as I can see, is that an individual is to be considered a member of a mission from the mere fact of his being proposed as such to the government by the head of the mission. Acting upon this conclusion, you propose Bliss and Manlove in the list of your domestic servants, and on the day following the receipt of a note from the government refusing to recognize them as members of your legation, and therefore denying to them the privileges that they would enjoy as such by the right of nations, you again inscribed the names of these two individuals on the list, and moreover add to the personnel of the legation Masterman and another.

But if Bliss belongs to the mission as well as Masterman, how is it that they have not enjoyed nor do enjoy the privileges to which they are entitled? This is inexplicable. And why is it that the name of Manlove being alongside those of Bliss and Masterman in your note of 24th February, he has been left on one side, when, according to the principle laid down by you, they must all (or none) be considered as members of the mission? But the precedent of Manlove is a proof that you have only afterwards been pleased to grant to these two criminals the character of members of the legation.

With regard to what you say that Masterman is to be considered in that character in all and for all, because no objection was raised against him before the lapse of three months, I may remark that according to your own doctrine Masterman was from the very first day invested with that character, because if the following day this department had refused to acknowledge him, as was done in the case of Bliss, his name would have immediately appeared in a new list of your excellency's.

I have thus shown clearly how inexact you are in considering said individuals as members of the legation. It is of little consequence to the question whether they have sought your house, or whether you have sought them to bring them to your residence, but I do not agree with you in looking upon them as refugees, because this would be a denial of a truth too clear and distinct. What are they doing there? Why are they in your house, when they have been indicted and are called upon by a court of law to answer the charges deposed against them?

It is clear they are not there because of their innocence or because they belong to the legation, but under the special protection of your excellency. You state that during several months they have been tacitly recognized as belonging to the mission, and that the refusal came too late from this department to be available. I must repeat that only by following your practice could the justice of this statement be admitted, since the express objection made by my government on your proposing Bliss as a member of the legation has not been considered by you as having any weight whatever. Since the objection made to Bliss on the day following his nomination has been considered too late by you, what

wonder is it if the objection in the case of Masterman, which according to your excellency was sent in after the lapse of three months, should also be considered as much too late?

I beg you to reflect upon the mysterious note of the 24th of February, and endeavor to convince me that it meant to convey a legitimate presentation of the personnel of your legation, and that at a most solemn crisis of the republic, assailed as it is to the death by an invading enemy.

As you will understand from what precedes, I am very far from wishing to maintain that a foreign minister cannot claim the privileges of the legation for his servants, secretary, or other members of his family until the government recognizes them individually by name. I agree with your remark that if a minister sends a list of his suite (in due form) and receives no answer, no objection is made by government, which tacitly recognizes the persons included in said list as members of the legation. This is a just interpretation, and is what has happened with regard to the following individuals: Charles Meincke, German; George Hamilton, English; Katharine Leahy, English; Basilio Jara, Paraguayan; and Melchora Jara, Paraguayan, who were tacitly consented to; when, on their names appearing jointly with those of Bliss and Manlove in your note of the 22d February, exception was taken only to the two latter, who were simply allowed to remain in your dwelling with the special condition that if they went out of the legation the policemen would be prevented from carrying out in such a case the orders given to allow no person not invested with official character to go about the streets; and on the same condition Ana Bella Cazal proposed in the above-mentioned list was also permitted to remain at the legation.

I must remind you once more that in your note of 4th April you alluded to individuals whom this department has not recognized as members of your legation. To whom else could you refer? At all events Bliss was one of them.

However much you may labor to give a forced interpretation to the motives brought forward in opposition to your views on this matter, you will never be able to justify your deductions. It is curious to hear it asserted that this department has only recognized Bliss and Balthazar, the colored servant whom you state was left by Doctor Carreras, but it is still more curious that neither your wife, nor son, nor private secretary, nor the servant you brought with you, have ever been recognized. If you have not chosen to put in the list of the personnel of your legation Mrs. Washburn and your son, this department is not to blame. I nevertheless cannot but admit the important position occupied by the family of the chief of the mission.

You may rest assured that my government has sufficient conscience of its own dignity and duties not to commit itself by sending a notary to your house to examine the criminals, Bliss and Masterman, when they have never been nor are members of the legation, but the government will not hesitate in making them appear before a tribunal, because they are in all and for all merely refugees in your hotel.

You wish to apply in the case of Bliss and Masterman the principle of right that a person must be considered innocent until he is proved to be guilty, and you state that this principle is ignored when they are spoken of as criminals and refugees, whilst no proof of their culpability is forthcoming. I might have wondered greatly at your pretensions and language if in the following line you did not furnish me with the proper key, by saying that you doubted still of the veracity of the informants. Upon the criminality of the above individuals, and alluding to

the depositions of Berges and Carreras, you state that you know they contain as many falsehoods as sentences, and that if these false depositions have been given by them with a view of making you appear mixed up in a shameful machination, it may have been done with a design of implicating others.

If you do not choose to credit my words, and can still doubt the veracity of those who have deposed that Bliss and Masterman took a leading part in the complot, I cannot offer to gratify you by showing to you the authentic documents which establish the reality of the fact, and you may act in accordance with the laws of your own country as you may think proper. But I would like to ask you, when is a person to be considered guilty? I understand that the principle of right invoked by you is one universally accepted, but also that the sworn depositions of witnesses are a sufficient proof in cases of more or less gravity. This suggestion may not be thrown away upon you to prove to you that, as this is what has happened with regard to your own protégés as well as to others included in the same accusation, you must not wonder if no attention can be paid to your reference to the above maxim to which you have repeatedly alluded.

With regard to your recommendation of the profession and standing of each of them, I can only say to you that they are almost identical with those which you were pleased to make in favor of Carreras when you were asked to dismiss him from your legation, and now it appears that you have not had much trouble in applying against him the words least honorable to any man.

You are right in thinking that my government has no desire to expose either you or your family to any calamity, and it is well known that during your long stay in the country you have been treated with every consideration, as you yourself have confessed in your correspondence. I cannot, however, conceive how your own convenience is incompatible with the expulsion of those individuals, whereas their stay there must give rise to appreciations less satisfactory from the fact of their being implicated in a vast conspiracy, the depositions with regard to which extend even to yourself.

Since the government of every nation has the right to admit or refuse a foreign minister according to circumstances, in compliance with which right he must be duly presented to the territorial sovereign, it follows as an indispensable consequence that the chief of a mission is bound duly to report the persons that belong to his household and those that may leave him subsequently, both in order to accept or refuse the former and to take note of the latter who may still enjoy the privileges attached to their previous position. And while on this point I beg to remind you that the list you inclosed in the note dated 24th of February comprised among others the names of Concepcion Cazal, Dolores Caballero, and Ana Bella Cazal, besides two washerwomen, whose names did not appear, and that none of those five individuals figure now in your new list, with the exception of Lucia Ribas, who appears to have been one of said washerwomen. But apart from this it would appear that you have not attached to this subject the importance it deserves, as is proved by the fact that after all the individuals, excepting three, contained in your list of the 22d of February, had been admitted, you added others without advising this department of this circumstance, or of your having dismissed any of those persons that were included in the original list.

With regard to Bliss it is satisfactorily shown that he was not a member of your legation, but since you state that Balthazar, Carreras's ser-

vant, had also been recognized a member of the legation, I must point out to you that in your dispatch of the 12th of July you said of those whose names had been given as not belonging to the legation there only remained Carreras, Rodriguez, his servant, and the wife of Leite Pereira; and although in your note of the following day—the 13th—communicating that Carreras and Rodriguez had left the legation before the appointed hour, you said that the colored servant of Carreras was still with you as a servant, you never alluded to the subject again, and after calling this person first Carreras's, then Rodriguez's servant, you only now style that his name is Balthazar. I am not aware how long you have had him as servant, and I have only seen by your unanswered note of the 13th of July that he still remained with you in that character, which leads to the supposition that for some time past he had ceased to be Carreras's servant. As you seemed to require him, no objection has been raised, but I have only to remark upon the incorrectness of your statement that this individual and Bliss were the only persons recognized as members of your legation.

With regard to the concluding part of your note, to which I am now replying, I beg to refer to what has already been stated on the subject in the course of this correspondence.

Having thus replied to the principal points of the note above alluded to, I have only to beg that you will consider in its true light the one of this department under date of the 31st of July conjointly with this. And I may be allowed to add a few words more, to express frankly to you that if until now no notice has been taken of the ground assumed by you in your correspondence, by even casting a slur upon the good faith of the judicial department of my country, and denying the truth of the official assurances made to you with regard to the guilt of Bliss and Masterman, my government can only view such proceeding as an offense to its honor and its dignity.

The government of this republic, far from wishing that you should forfeit the approval of your government and of public opinion in the community of nations, will, on the contrary, rejoice to see that you do not step beyond the principles of sound policy and the dictates of reason and justice prescribed by the respect due to nations and their governments.

My government has ever been inspired by this wish, and it grieves it to see you advocating for traitors to the country as if you were one of them. They say so, at least, and it behooves you to weigh these assertions, made judicially, which I will here further complement with others.

I shall first bring forward one of the individuals of whom you have stated that you heard of for the first time. It is Benigno Lopez, who, among other things, has deposed textually as follows:

That on account of the first expedition to the north in 1864, they began to talk politics.

Washburn saying to deponent, the country appears to "shake itself."

DEPONENT. Yes, but we do not know who will suffer the first blow, although it is probable that in the end we shall fare worse, seeing the power and great elements of our enemies.

To this Washburn perfectly agreed with him.

Then, from that time forward they continued talking whenever they met, condemning the system of government, because the policy of the government was arbitrary, instead of being liberal and constitutional, as befitted a country like Paraguay, rich for its climate and for its natural products of all kinds; that the government of the marshal thought of nothing but making soldiers; and that scarcely any private citizen was to be met with; and that such a state of things could not but help to keep back industry and retard progress and civilization in the country.

That all their conversations were in this tone until on the occasion of his accompany-

ing Washburn in a trip he made to the front in March, for the purpose of crossing over to the enemy's camp, they went more deeply into the matter, and mooted the idea of the necessity of a change of government to bring to a close the protracted war, due, in Washburn's opinion, to a violent and inconsiderate act of the marshal, of which he certainly sorely repented.

To this deponent replied, "What he is sorry for is not to have taken the allies, one by one, to make them dance."

That to this and other conversations they held together before and during the journey, deponent understood that Washburn wished that the alliance should triumph, rather than Paraguay, and that he would be disposed to work in this sense, on which account he had no scruple in laying open the plan of endeavoring to effect a change of government, not doubting that the Marquis de Caxias, as soon as he was made aware of the advantages that would follow a successful revolution, would send the bases of a final arrangement to enable them to begin the work.

That in Paso Pucu, and just before Washburn passed over to the enemy's camp, deponent went to see him in his quarters, and being asked by him about the situation of the army, deponent answered that it was not bad, but that it would be rendered a very difficult one if Caxias stretched a line from Tuyuti as far as the Paraguay River, because it would be then inclosed. That while saying this deponent bent down and described this operation by marking on the ground the various positions of the two armies, and showing that in this way the interior of the republic remained exposed, and that nothing could obstruct a force from reaching the Tebicuari by Caapucu, and by making a rapid movement as far as Paraguay, which was not far, place itself in contact with the revolutionary force, and they both combined would then be able to command the principal departments of the republic and the capital by means of the railway.

That then Washburn, being interested to understand thoroughly the plan proposed by deponent, drew from his waistcoat pocket a pencil, which he handed to deponent, saying at the same time to his private secretary, Meincke, who was in the room, to go out for a short time, which the latter did at once, not, however, before having heard part of the conversation and seen the tracing made by deponent with his finger on the ground. That then, when Meincke was gone out, deponent concluded his description with Washburn's pencil, after which the latter left for the enemy's camp, most likely carrying with him the drawing made on paper by deponent.

That it was deponent's intention, in making a drawing of the intended operation, that Washburn should show it to Caxias, and if he did not say so expressly, it was because he understood that Washburn would be sure to do it, which, in fact, turned out subsequently to be the case, not only because the enemy realized this very plan, but because Washburn himself on his return brought him Caxias's communication, with the basis for effecting the change of government as deposed to previously.

That subsequently, after deponent came back from the army to the capital, towards the end of September, he went to see Washburn in his house, who asked him how he had left those people, (the army,) to which he answered, "Well in health, but not so as regards their position, which, as I have mentioned before, has become worse," (alluding to the circular movement.)

That Washburn asked him again, "But are they going to fight?"

DEPONENT. Undoubtedly, but not much.

WASHBURN. Why?

DEPONENT. Because some of them are worn out, and others have little faith in a general action, seeing the elements arrayed against them, and I have not tried to deceive them. And then went on to say, I see with great pleasure that a great deal has been done here, and well, and that all is ready in anticipation of what may occur, and I think soon.

WASHBURN. Mr. Berges is a very able man; under his Jesuitism and apparent indifference, he works with remarkable activity.

DEPONENT. Indeed; I myself never thought he would have done so much.

WASHBURN. The fact is he has excellent coadjutors, and he is not niggard with his god money.

That then Washburn took up Dr. Graty's book and they both looked out in the map attached to it for the river Tebicuari and the distances of the various departments from one another, all with reference to the military operations connected with the expected revolutionary movement.

That on the 16th of October deponent met Washburn near the columns of the government-house, and there they spoke of the events that had happened at the seat of war at the beginning of the month, deponent saying that the allies had been worsted, to which Washburn replied: "Unless it is an engagement as those described by the Seminario, in which one or two hundred kill several battalions without the loss of a single man;" that deponent also said on this occasion that the line of the besiegers did not reach yet as far as the river, and more in this sense.

That afterwards, deponent having gone to visit Washburn in his house, they talked

about the news that the enemy had reached the river, sinking two vessels. Washburn said that they had done wrong in losing these vessels, because the army could not afford to be without them, and the Brazilian squadron would certainly come up. Deponent answered that these vessels did them much harm. On this occasion deponent also said that soon great events might be expected, alluding to the movement of which he (Washburn, knew, and which was the raising of the siege.

That subsequently, at the beginning of January, when deponent was casually visiting Washburn at the Trinidad House, the latter, after inquiring about the news, as was their wont, said that the situation was becoming every day more critical, and that it was necessary to put an end to this state of things, since there was a talk of even enlisting women to continue the war, and that this revealed the impossibility of arriving at an honorable treaty, (alluding to the different overtures of peace which the marshal had inflexibly rejected.) That such a thing (enlisting women) was ridiculous, and that his wife had told him that if this took place she would not remain any longer in a country that allowed such things; to which deponent replied that these demonstrations had no other object save to strengthen, if possible, the confidence of the public, adding, "If you go, you leave us in a pretty pickle;" and Washburn said, "If I remain, it is because I think that I shall be able to be of some service to you," (meaning with regard to the revolution.)

That on another occasion they met in the Campo Grande, when Washburn, who was coming from the house of Fidanza, asked deponent what was the news, both at the seat of war and in town, and being answered none, showed himself little pleased with the calm that prevailed, and deponent thought that it was in consequence of the visit he had just been paying, in company with Maulove, to Fidanza, who was one of those implicated in the revolution, when doubtless they had discussed the matter.

That shortly afterwards Washburn proceeded to Tapua. Deponent was there with his mother, whom Washburn went to thank for having lent him a quinta in Trinidad to pass the summer, and say that he intended returning to town. On taking leave of deponent he said to him that the person in charge of the French consulate was a fool, because he talked of things that were compromising.

"What are these things?" asked deponent.

WASHBURN. He talks about a new order of things; he picks up and repeats everything, and talks also much about local politics.

That, moreover, deponent remembers that even before the evacuation of the capital, talking of the probabilities that this measure would be adopted in consequence of the affair of Tayi, and Asuncion declared a military post, Washburn said to him that such a step would be absurd; that the government had no right to enforce it, and that he could even protest if the measure applied to foreign residents; that, after the evacuation had actually been decreed, José Berges referred in the office, in presence of a third party, that had been the same night on a visit at Washburn's, and talking about the evacuation of the capital, the latter had formally declared that he for his own part would do no such thing, and on that account he offered Berges an asylum if ever he required one, and begged him to say so to the government people. That Washburn maintained his right to protest against the evacuation, as he said to deponent, inasmuch as it concerned foreigners, and that the consuls were not discharging their duties when they withdrew, and that if he did not protest, it was because his own fellow-countrymen were few. That to declare the capital a fortress, with only one gun, and against iron-clads, running the risk of its being destroyed, was an unjustifiable error.

That deponent knows, also, that Washburn warmly maintained these same ideas with a view of being backed up by the French and Italian consuls, as they themselves said, but that they refused to support him; and the deponent, moreover, says that Washburn spoke in this sense to natives and foreigners, making the revolutionists understand that he did so in their interest; and, to inspire them with more confidence, he rented several houses, in which he began to give refuge to Englishmen, and then to Carreras and Rodriguez, who belong to the revolution.

That he remembers also that Washburn complained to him and others of his living in the capital, and said to him more particularly that the small consideration shown towards his person, and latterly towards his flag, would end by exasperating him and place the government in a situation even more critical than the actual one, letting one understand by this, deponent says, that he might break off abruptly the good relations between the republic and the United States.

That in Paso Pucu, after Washburn's return from the enemy's camp, bringing the bases and the letter of Caxias for deponent, the latter said to Washburn, that if they were successful he might reckon upon half a million and something more in order that, instead of going to Chili, he might go where he pleased, and that he said this because Washburn was always talking of going from hence to take charge of the legation in Chili, and that it was only this hope that made him put up with the Paraguayan legation.

That, besides this offer, deponent, about the end of October or beginning of November, delivered to Washburn, in two sums, the amount of one thousand gold ounces and

\$15,000 currency, telling him that if he required more he should not hesitate to say so, because there were three thousand ounces at his disposal.

That this amount was given to Washburn by deponent personally in Washburn's house in the capital, where deponent went, carrying it himself, the first time on foot, and the second time on horseback, on both occasions at dusk.

That deponent's object in giving Washburn this gratuity was on account of his official co-operation in the revolution.

That in the above-mentioned letter of Caxias, Washburn was said to have explained the plan intrusted to him by deponent; that Caxias was agreeable to it, and sent the required bases, urging that action should be taken in that sense; that the bearer (Washburn) would co-operate efficiently, and that he went *bein cheio*, (well paid.)

That these bases were the same as those proposed to the government by Mr. Gould, with the material difference that the change of government was the first in those received by deponent, whilst it appeared last in Gould's.

That Washburn, as appears, bribed by Marquis de Caxias, was intrusted to him with the commission of proposing ex-officially to the marshal of his own accord to resign, in order to make peace, which, knowing beforehand that the marshal would not consent, was done in order that Washburn might be at liberty to talk on the matter and popularize the idea that the marshal was the only cause of the war, and consequently that the alliance, far from attacking the nation, had no other object in view except to save it by means of a new government.

That in pursuance of this purpose, Mr. Washburn, wished to take advantage of the army being besieged to offer his services to the marshal on the same basis as Mr. Gould, with only some accidental changes, with a view of being enabled to go over to the enemy's camp, to hold an interview with the Marquis de Caxias, apprise him of the state of things with reference to the revolution, and urge him to move, in order to profit by the good dispositions of the nation.

That on another occasion Washburn said that probably when the war was at an end the country would give itself a constitution; to which deponent replied that he did not think it would be wise to do so when the nation emerged from so prostrate a condition.

WASHBURN. Do you intend going on with despotism?

DEPONENT. No, sir; laws will be given, but neither with the name nor character of constitution, viz., as is done in England.

WASHBURN. Mr. Berges is more constitutional than you are.

DEPONENT. That is because he has been in the United States.

That besides these conversations which deponent had with Washburn, the former knew, through Berges, that the latter was prepared to do anything he was asked or that was necessary in support of the revolution so as to secure its success, and Berges himself forwarded to him all the news that came from the army. In a word, that he was on the most perfect understanding with him, (Washburn,) and that the latter received and sent Berges's and Carreras's correspondence for outside, that had reference to the revolution, and also communicated all those he himself received.

That, in addition to all this, Washburn was bound, if the revolution was successful, to recognize the new government that should spring out of it, and in a contrary case give an asylum under his flag to the revolutionists.

That all the papers of the revolution which passed through deponent's hands were put by him into a square envelope, which he closed with gum and sealed, and then took in person to the American minister, after writing upon it "Private papers," and in a corner the initials "B. L.," that on delivering this envelope to the minister he told him, "I do not wish to leave these papers in my house, and therefore bring them to you;" to which Washburn replied "Very well;" and taking the envelope, placed it on a round table; that this happened when the papers in the government office began to be moved on account of the arrival of the iron-clads at Asuncion. It was about the 20th of February, about midday, deponent entered the drawing-room by the dining-room door, having been announced by the servant Katy; that during the few moments he remained with the minister they talked about the iron-clads, and the latter asked whether the city was to be evacuated. Deponent said, "Yes;" that when deponent entered the drawing-room the minister was drinking gin, and therefore asked him whether he preferred this or brandy, and on deponent saying he preferred the latter, he ordered Katy to bring some. She shortly afterwards came with a small tray, with some brandy and a wine-glass, and deponent took a little. Soon after deponent left, and Washburn accompanied him to the hall.

That the last conversation which deponent had with Washburn was on the 15th March. Deponent came to the capital on his way to the army; Washburn was going out of town, and they met two squares behind the church of San Roque, and stopped a few moments to converse. Washburn asked deponent where he was going, and being answered "To the army," said, "What can I do for you?" Deponent answered, "I commend to you my family, and wish you may be successful;" meaning that I left my family under his protection, as he had offered to look after defenceless people and their

fortunes, and that he might be fortunate in the share he (Washburn) had taken in the revolution.

Now you will have the kindness to listen, for the first time, to another individual who mentions you. Ex-Commander General of Arms Venancio Lopez says what follows :

That on the 1st of April the American minister went to visit deponent at his house in town, and told him, "Humaita cannot resist the iron-clads, and much less can the fortifications improvised do so;" and that "Brazilians being masters of the Parana and of Misiones, it is impossible to dislodge them, and the Paraguayans are so locked in that there is no possible escape; however, in my house, which is at your disposal, you shall be guaranteed, but it cannot hold all. Moreover, it is necessary to preserve what you have acquired," (referring to the revolution,) "and it would be well for you to write to Caxias that your family and your interests may be saved. It is the only thing that remains to be done."

That, moreover, he told deponent to let Caxias know that all the leaders of the revolution had been sent to the army, and that therefore the whole plan was discovered. That deponent at first refused, not having any intercourse with Caxias, to which Washburn replied that it did not matter; deponent then asked him by what means he could send a communication, and Washburn replied by way of Caapacu, saying that there was one Tilifer, adding that Vasconcellos (the vice-consul) also knew this individual, and promising that he, together with deponent's letter, would send one.

That the American minister had stated the point at which the Brazilian advanced posts were stationed.

That deponent received Caxias's through the American minister, by the Wasp, and its contents were to the effect that he was not to be afraid, since all that was meant was a change of administration to avoid the ravages of the war.

That deponent also wrote another letter to Caxias, dated the 10th or 11th of May, saying that, on the faith of the American minister's assurance, he continued to work for the revolution, although with faint hopes of success, because the leaders had all been seized and their plans discovered; that it was forwarded by Washburn with his own dispatches, but no answer to it ever came.

That the American minister had taken charge of all the papers as a guarantee, it being understood that these papers are those that refer to the revolution. That those among them that were not thought of any interest were destroyed, as well as the rough copies. That deponent delivered to the minister himself the documents he found in Bedoya's possession, the same that Benigno had shown him on the afternoon of the day he arrived the last time at the camp, saying that those were the papers of which Bedoya also had spoken when he came; that the deponent had found them when he went to look for some pens in Bedoya's office, and that after Benigno's return he had forgotten all about them.

That said documents were under a sealed cover, marked *Documentos de Salinares*, and that he gave them to the American minister, together with a sheet of paper on which were written the names of the new administration; that he gave them on the 4th of July, about 10 a. m., in the house of the deponent's mother, where he lived; that Washburn, on receiving the sealed packet, said, "This will serve as a duplicate," showing that he was well aware of its contents.

That the words by which Washburn began to talk to deponent, and induce him to take part in the conspiracy, were as follows:

WASHBURN. What news? None, as usual?

DEPONENT. I know nothing.

WASHBURN. It is strange that your brother (the marshal) does not wish peace in spite of all I have done, and I cannot see any hope of victory, knowing the great power of Brazil, and its influence everywhere. Besides, all know the right of Brazil to sustain this war, into which it has been forced, and hence nobody dares offer its intervention, and your brother would be admired as among the most famous and valiant men if he were to resign, not because he is conquered, but for the sake of re-establishing peace, and allow Sanchez to take his place with a view of entering into negotiations. The great republic is the only one that ought to save Paraguay, and secure its autonomy. The secret treaty is ridiculous, and the United States will not recognize it. There are not many men of capacity here, and a few of the most prominent, who enjoy the confidence of the people, may be the means of salvation.

That deponent approved these ideas, and made up his mind to support the revolution, of which the minister was thus the principal promoter, and promised moreover to consent to become the organ of communication between the enemy and the conspirators.

That according to that Washburn himself told deponent, the object of his wishing to have the Wasp at Asuncion was that she might be there to protect his friends, and that he was surprised at Caxias's refusal to let her pass, which he could only attribute to his unwillingness to establish a precedent for others.

That when deponent asked Washburn how the situation could be saved, now that his

excellency knew of the revolution, he was answered, "It is that *canaille* Couverville, who is incapable of keeping a secret, who has discovered all. But Caxias will not lose any time; he will hasten to take Humaita, then he will send the fleet this way, and move the army towards the Tebicuari, so that you (the conspirators) will be able to save yourselves, because I shall then ask for an armistice and propose the commissioners who are to treat with the allies; that once this is obtained, the situation would depend on the revolutionary movement, and consequently the national army would not be able to act, but must submit, since Caxias is sure to send troops which he will land wherever he thinks best for calling off the attention of the marshal, who being surrounded on all sides, his retreat will be rendered very difficult, and he will be forced into coming to terms not so advantageous as they would have been at first; that with regard to Humaita, it was no impediment to Caxias, and it had not suited his plans to have taken it sooner; besides, he preferred a surrender."

That after this revelation Washburn persuaded deponent to write to Caxias, saying that he and Comandante Fernandez were the only ones that could save the situation.

Next comes José Vicente Urdapilleta, ex-judge of second instance, who makes the following references to you:

That the American minister was compromised to guarantee the transmission of the communication which Benigno held with the enemy, who was to operate in combination with the revolutionary forces, and protect the movement by sending to Asuncion the iron-clads, with a landing force that was to be disembarked in the capital itself, or any other convenient spot, following the plan of operations to be agreed upon later on. That, moreover, Mr. Washburn undertook to employ his best efforts, and even go so far as to obtain the support of his government and make use of the material force at his disposal in the river Plata to assist in the realization of the intended movement, since among his instructions from his government was that of laboring for the maintenance of freedom among the South American nations.

That the moment or time when the revolution was to break out was to be announced by Mr. Washburn, as he had to come to an agreement with the commander-in-chief of the allied army, either by letter or by an interview.

That on another afternoon, about twenty days later, the deponent met, near the house of the Figueredos, Benigno Lopez, who was coming from his house in the Recoleta, and walked with him as far as the center of the town. On this occasion deponent asked how the revolution was getting on, and Benigno said that of all those who took part in it Mr. Washburn deserved more praise than all, and was lending very valuable services to the revolutionary cause, and that he was therefore entitled to great consideration both from the conspirators and the nation in general; and that in consequence he had given Mr. Washburn 1,500 gold ounces and \$25,000 currency, to which deponent remarked that it was a great deal, and he must be well pleased, since he only received \$5,000 annually from his government for his mission, which, according to his own declaration, was all the fortune he possessed. That then Benigno said that Washburn's deserts were also very great, since he was disposed to favor the conspirators by all the means at his disposal, and that he had said that he intended to get two or three men-of-war of the United States stationed at Asuncion, in order to be able to protect under his flag the insurgents in case they were defeated or that their plans miscarried. That upon all those grounds he (Benigno) had given the above sum to Washburn, and would, on the termination of this transaction, give him an equal or larger sum, (this deponent does not recollect well,) and that for the \$25,000 in notes he could purchase a piece of land well situated for a country residence, and for which purpose he might dispose of government land at a moderate price.

That a few days afterwards deponent met Mr. Washburn coming from his house in Trinidad, near the house of Belilla, who asked him the news of the war.

URDAPILLET. I know nothing these last days; do you?

MINISTER. No more do I; but I am going to the government house, and if I hear anything I will call on my way back at your house. He then went on: "D. Benigno tells me that you are initiated into the revolution, and I am happy that men like you should take part in such things."

URDAPILLET. It is true; and you also have taken part in it to guarantee the communications with the enemy.

MINISTER. Yes; and something more than that. I have much pleasure in exerting myself for the project, and I shall even engage the name of my government, if necessary, because by instructions I am requested to do all I can to secure freedom to the nations of America. I propose going down the river to fetch my communications, which I have not received for some time past, and at the same time I will arrange matters between them. (Benigno and the enemy.)

URDAPILLET. I am glad to hear it, and hope you will do as you say.

MINISTER. Never fear; it shall be so.

That on another occasion, when deponent was standing at the door of his own house,

and Washburn, as he frequently used to do, passed by, deponent asked him how matters were going.

MINISTER. (rubbing his hands.) I am awaiting anxiously for my dispatches from my government, and with them the other. (from the enemy.)

URDAPILLETA. And will this bring us any good?

MINISTER. Of course.

That after exchanging a few more words, they talked of the actual state of things, and Washburn said that it was well that Marshal Lopez should have rendered his country famous by his heroic defense of it; that when the war was over, many capitalists would come on a visit, and for the purpose of trading with it on account of its riches; but that, in spite of all this, and of Marshal Lopez having brought to light Paraguay, the government of the marshal in no way suited the nation, because a military chief is constantly inclined to war, and the alternatives of peace and war obstruct the progressive march of the country, because war destroys the wealth produced by peace; on the other hand, the country offered a large field for exploration, and by introducing improvements from abroad—such as machinery, &c.—great and rapid progress might be made if the government were not a military one.

That in one of their conversations Mr. Washburn told deponent that Saturnino Bedoya had offered him his quinta at Ibiray, a handsome two-story building, with furniture and everything necessary, even a servant, without charging anything for it. Deponent thought that this was not of mere friendship, but as a sort of return for Mr. Washburn's services in the cause of the revolution.

Francisco Rodriguez Larreta, who according to your own testimony is known to have been on terms of intimacy with you, says as follows:

That with regard to the conditions of the secret treaty of the "triple alliance," Minister Washburn said that although they were too harsh, Paraguay would sooner or later have to submit to them, because the Brazilians were very strong; and if this was later, the sooner it took place the better.

That, as a general principle of international law, Minister Washburn considered inadmissible the pretensions of the allies that his excellency Marshal Lopez should resign the supreme rule of the republic, and believed such a demand an attack on the independence and sovereignty of a constituted country; but in the present state of things he thought such resignation would afford the most efficacious means of bringing the war to an end, and that on this occasion he had resolved to support the revolution.

That when the minister came back from San Fernando he said that he had been able to do nothing with respect to the fate of Benigno Lopez and Saturnino Bedoya, and that he had only heard that Berges had been taken unwell in crossing the Chaco, which led him (Washburn) to believe that if Berges was ill in his house, it was so far reassuring as indicating that he was not a prisoner, and that therefore the revolutionary project was not to be considered as having fallen through, but, on the contrary, still practicable.

That, on the occasion of Leite Pereira presenting himself at the American legation for shelter, Washburn consulted Carreras and deponent as to what point the protection of his house could avail said Leite Pereira under present circumstances. That both deponent and Carreras said that he had in no way the right to give him shelter if he was claimed by the tribunal as being charged criminally; and in order more fully to convince him, they referred him to the principal authors on international law that treat this point, such as Vattel, Martens, Wheaton, Haussefeuille, and Andres Bello; and that, notwithstanding his conviction that he had no right to do so, and knowledge that he (Pereira) was implicated in the revolution, Washburn admitted him into his house.

That Minister Washburn has guaranteed to the revolutionary committee the protection of his house, and promised those who had already taken refuge with him that he would not deliver them up to justice unless compelled to do so by force, as he said himself to deponent, which proved the fact that up to the very moment when deponent and Carreras went out into the streets to place themselves in the hands of justice, Washburn repeated to them that if they did not wish to deliver themselves up they had only to say so, and he would never consent to their being taken away except by main force.

That Minister Washburn entreated deponent and Carreras not to reveal that he had any knowledge of the affairs of the revolution, and not to compromise him in their depositions, offering them every possible assistance in case they remained in Asuncion; that both deponent and Carreras assured him they would not reveal the secret, or in any way betray him.

That in different conversations they had during deponent's stay at the legation, Washburn expressed his concern in the event of the revolution falling through without their being able to attain the end they sought, in order to put an end to the war, and lamented the probable fate of all those who had taken a part in the plot.

That Minister Washburn received the sum of \$140,000 in notes, according to what

Washburn himself revealed to deponent; that this money was given to him by Benigno Lopez, in the last days of February or beginning of March, (deponent does not recollect the date exactly;) that the money was carried by two women-servants of Benigno himself on their heads, in two journeys, about dark; that deponent was present once when one of these servants came in with the money; and that the minister placed the sum of \$40,000 at the disposal of deponent and Carreras, according to a request he said he had received from Benigno himself. Deponent and Carreras, however, did not take the money, not knowing what to do with it at the time, and consequently the whole amount remained in the minister's possession.

Dr. Carreras says also:

That Mr. Washburn maintains in principle that although the government of Paraguay is not bound to give in to the pretensions of the allies with regard to the resignation by his excellency Marshal Lopez of the presidency of the republic, still in the present state of things, and owing to the prolongation of the war and the consequent annihilation of the country, it is advisable to make a spontaneous and personal sacrifice, so long as the national independence is sacred; and since the marshal is determined not to give in, and is inspired by a fanaticism to carry on the war until the country is totally destroyed, he (Washburn) thinks that any means is good which will save the nation from so complete a sacrifice, and consequently has approved the plan of the revolution and taken part in it to overturn the marshal by hunger or by the dagger.

Your excellency is also alluded to by Leite Pereira, Antonio Vasconcellos, and others of the revolutionary party, who have been more or less aware of the important part they say you have taken in it.

But I shall conclude these quotations with one more of ex-Minister Berges's, who says that when you complained of the want of the necessities of life, such as sugar, brandy, coffee, wine, and even clothes, as you could find nothing but aguardiente of the country, Berges had remarked that with money and yerba one might get on, (alluding to the fact that Berges himself supplied you with yerba and Benigno with money.) To this deponent goes on to say the minister replied, "It is true that you supply me with yerba, and Benigno has given me some money."

Deponent said, "It cannot have been a small sum."

The minister replied, "What Benigno gave me is, at the present rate of exchange, approximately equal to what you gave in North America to Ward and Carlisle."

For all this, and for the antecedents of which your excellency is aware, my government would have been justified to have broken off some time back all intercourse with a minister who, in the critical circumstances through which the Paraguayan people is passing, figures, by the testimony of the infamous traitors of the country themselves, as one of them. My government, however, ever anxious to give the most unequivocal proofs of its high consideration and regard towards the government of the great American republic, has done no such thing, but only confines itself to remitting to you the passports which you have repeatedly solicited in order to leave the country, and I am happy to inform you that the Wasp, which has come to fetch you, is waiting for you in Villeta, and that a steamer will be in attendance in the port of Asuncion for you and your suite.

Among the individuals of the legation the accused Bliss and Masterman, as not belonging to it, cannot obtain their passports, and they must remain to answer the charges that are hanging over them before the local courts of justice. Neither can Balthazar, Carrera's servant, leave the country, for which reason his name does not appear in the passport.

Having thus also replied to your note, dated 2d instant, relative to the arrival of the Wasp, I avail myself of the opportunity to renew to your excellency the assurances of distinguished consideration.

LUIS CAMINOS.

His Excellency CHARLES A. WASHBURN,
Minister Resident of the United States of America.

Mr. Washburn to Señor Caminos.

LEGATION OF THE UNITED STATES,
Asuncion, September 5, 1868.

Mr. Washburn, the United States minister, has the honor to acknowledge the receipt of the note of his honor Luis Caminos, of the 4th instant, in which, at his conclusion, he says that passports will be furnished as requested to all save Mr. Bliss, Mr. Masterman, and Balthazar, and that a Paraguayan steamer will be ready to-day to take the minister and suite to Villeta, where the United States gunboat Wasp is waiting to receive them on board. Mr. Washburn will endeavor to be ready, if he can obtain the peones or carretas necessary to carry his trunks, boxes, &c., to the banks of the river, and will be greatly obliged to his honor Señor Caminos if he could assist him in procuring them. He has in his possession a large quantity of patacones, belonging mostly to English, who have requested him to send it or take it away in case he should have the opportunity. Will Señor Caminos be kind enough to inform him if the government will object to his doing so?

Señor Caminos to Mr. Washburn.

[Translation.]

DEPARTMENT OF STATE AND FOREIGN RELATIONS,
Asuncion, September 5, 1868.

I have the honor to notify you of the reception of your verbal note of this date in answer to mine of yesterday.

As Mr. Washburn is not anxious to leave to-day, the steamer will wait for him till to-morrow, so that he need not put his baggage aboard in the rain. I will give the necessary orders for this as well as for the drays he may need.

You will please give me the names of the persons who want to send off money by you, and the quantity that each wishes to send.

I embrace the occasion to offer you the assurance of my distinguished consideration.

LUIS CAMINOS.

Hon. CHARLES A. WASHBURN, &c., &c., &c.

Mr. Washburn to Señor Caminos.

LEGATION OF THE UNITED STATES,
Asuncion, September 5, 1868.

Mr. Washburn, the American minister, in answer to your note of to-day, has the honor to state that, from a hasty examination of the contents of the bags and boxes left in his charge by certain English subjects, he has made out the following. Many of the bags and boxes not having their contents marked upon them, and being either sealed or nailed, it is not easy to give the exact amount of each. The list of those which

have the quantity marked upon them by the owner is given, and the weight of the bags not counted is given as accurately as possible:

List of patacones.

1 bag of Dr. Skinner, 600 patacones; 1 bag of R. V. Treuenfeld, 287 patacones; 1 small bag, Dr. Stewart, 8 pounds; 1 bag, George Thompson, 291 patacones; another of the same, 800, marked; 1 bag, H. Volpy, not marked, 47½ pounds; another bag, George Thompson, 153 patacones; 1 bag, Charles Twite, 100 patacones; 1 large bag of Charles Twite, not counted, 70 pounds; another, sd., George Thompson, not counted, 48½ pounds; 1 parcel of George Thompson, not counted, 41 pounds; 1 parcel of George Thompson, marked 400 patacones, 500 paper; 1 tin box of Michael Hunter, weighs 52 pounds; 1 bag of George Thompson, weighs 10½ pounds; 1 box of Charles Schutt, weighs 26 pounds; 1 box of C. H. Thompson, not counted; 1 box of Michael Hunter, not counted, 19 pounds; 1 bag of Michael Hunter, not counted, 300 patacones; 1 bag of Dr. Skinner, not counted, 822 patacones; 1 bag of Alonzo Taylor, not counted, 60 pounds; 2 bags of H. Volpy, not counted, 300 patacones each; 1 bag of C. Twite, not counted 18 pounds; 1 bag more, large, of C. Twite, not counted; 1 bag more, small, of C. Twite, not counted, 200 patacones; 1 bag of C. H. Thompson, contents unknown; 1 bag of Michael Hunter, contents not marked; 1 bag of Mrs. Thomas; 1 bag of G. T. Maggs, contents unknown; 1 balize of G. T. Maggs, contents unknown; 1 balize of J. Cambridge, contents unknown; 1 box of J. Cambridge, contents not marked; 1 box of R. V. Treuenfeld, contents not marked; 1 large box of Alonzo Taylor, contents unknown; 1 trunk, marked Dr. Stewart, contents unknown; 1 bag of Charles Twite, 200 patacones; 1 bag of P. Burrell, 260 patacones; 1 package of Dr. Skinner, 260 patacones; 1 bag of Michael Hunter, 300 patacones; 1 bag of Miss Eden, not counted; 1 bag of Mr. Volpy, 315 patacones; 1 bag of Miss Grant, 310 patacones; 1 box of C. H. Thompson, contents unknown; 1 box of R. V. Treuenfeld, contents unknown.

Others, not English, have left money in charge of this legation with the same request, but the above list contains the large part of what is in its possession. Some, however, have left their property in iron safes that the American minister will be unable to take, and these, with the trunks and boxes that he will be unable to deliver to their owners before his departure, he will leave in his house, to be given to their owners by his successor, or by such other persons as may be duly authorized by his government to deliver them, as also are left a part of the archives of the legation.

Señor Caminos to Mr. Washburn.

[Translation.]

DEPARTMENT OF STATE AND FOREIGN RELATIONS,

Luque, September 5, 1868.

After answering your verbal note of yesterday officially, another note comes to me, and in it you say that other persons not English had left money with you to be taken away, but that the list you sent contained the most of what you had; and you add, that some may have left their property in safes that you could not carry, and that you left them in your house, to be delivered to the owners by your successor and some person

appointed by the government, and that you were also going to leave a part of the archives of the legation.

I must say, Mr. Minister, that your manner of treating this matter verbally seems very singular to me, particularly as it is of such importance, and consequently I make the following reply:

1. The English alluded to are those who are in the government service and wish to aid their families abroad by their pay, and it is not meant as a particular favor to the English nation to the slight of other nations friendly to Paraguay.

2. Whatever commission you may have received from persons not mentioned to take away their money, you cannot do it without due obedience to the laws of the country in such cases made and provided.

3. It appears, from cases already decided, that several criminals deposited their robberies of the treasury in your house, when the money does not belong to them, and cannot be taken out of the country legally.

4. My government will not be responsible for effects at your legation after you have left it, particularly as it is in a hired house; nor is there any law to prevent the owner from taking possession of it whenever he pleases; and therefore, if you leave anything there, no matter what it is, it will be considered as abandoned property. It would be entirely different if your successor had arrived; but he has not yet been announced, and when you quit the house no person shall enter it, for then the evacuation of Asuncion will be complete, as you were the only person who refused to leave the city.

I cannot understand your reasons, Mr. Minister, for abandoning a house in a depopulated city, where you were the only inhabitant, and leaving the archives of your legation in it; but as it is not my business to demand your reasons for anything you do, in respect to the great American republic, I offer to receive under seal all the papers of the legation, and to hold them subject to the order of the American government.

Yours, &c.,

LUIS CAMINOS.

Hon. CHARLES A. WASHBURN, &c., &c., &c.

Mr. Washburn to Señor Caminos.

ASUNCION, *September 6, 1868.*

SIR: I have the honor to acknowledge the receipt of your note of yesterday, in which your honor makes certain objections to my taking away money belonging to other people than those in the government employ, or for persons whose names are not given. In reply to this I will remark, that there are only two persons having money here to my knowledge, which I should feel authorized to take away. These two are Domingo Parodi, Italian, and Carlos Ulrich, German. The former has left with me two bags marked 800 pats. each, and a light box supposed to contain jewelry. The latter has left with me a box marked 709 pats. There is, however, a bag of patacones here belonging to Mrs. Grant, widow of the late Wm. Grant, which I promised to send her, and for which I shall be held responsible. That is all the money not belonging to myself that I propose to carry away. I have no interest in it, and only wish to take it as a favor to the owners. But if your government objects, I shall only ask that its decision may be soon made known to me, for as soon as this matter is arranged I shall be ready to depart. In fact, my own affairs

are ready, and I am anxious to be off, as I know the commander of the Wasp is very impatient to return to Buenos Ayres. Will you have the kindness to advise me at the earliest moment of the hour when the steamer is to start?

Should your government not object to my taking away the money above referred to, your honor will do me a great favor if you could advise the owners to send me a couple of strong boxes to pack it in, and at the same time send a clerk to take an account of it. A part of the sum mentioned in my list of yesterday was delivered to the order of Messrs. Hunter and Nesbet.

Respecting the archives of the legation and the former consulate, which I shall not take with me, I shall leave them in the office of the legation, not expecting any further care or responsibility on the part of the Paraguayan government than for the house or property of any foreigner.

I have the honor to acknowledge the receipt of the passports, for which please accept my thanks.

I improve this occasion to tender to your honor assurances of high regard and distinguished consideration.

CHARLES A. WASHBURN.

His Honor LUIS CAMINOS,
Acting Minister of Foreign Relations.

Señor Caminos to Mr. Washburn.

[Translation.]

DEPARTMENT OF STATE AND FOREIGN RELATIONS,
Asuncion, September 6, 1868.

Your note of this morning, in answer to mine of yesterday, is in hand, and as I have already answered you orally, I maintain what I said in my note to you yesterday.

In relation to the money which you said you thought you had a right to take away with you, I will inform you that you can only take Parodi's and that belonging to the widow of Alexander Grant, after having satisfied the law. Charles Ulrich's case is different: he received large sums from the treasury, and you will please deliver it to the police. On your last visit to the department I gave you the names of some ladies who heard you were remaining to deliver them the deposits they made with you, and now other persons have come to claim their deposits, and it is to be hoped, Mr. Minister, that you will delay your departure till their requests can be complied with.

I regret the occasion of this delay; but this is simple justice to families that would be bankrupt if they lost the money they had deposited in the American legation. I will order the steamer to wait until you have refunded all the deposits, and if you will give me the names of the depositors I will assist you in finding them out.

Yours, &c.,

LUIS CAMINOS.

Hon. CHARLES A. WASHBURN, &c., &c., &c.

Mr. Washburn to Señor Caminos.

LEGATION OF THE UNITED STATES,
Asuncion, September 7, 1868.

SIR: In my note of yesterday, in speaking of the money in my possession belonging to persons in the service of the government, I observed that if no objection was made I would be willing to take it away, but that in that case it would be a favor to me to have the owners send a couple of strong boxes to put it in, and to have some official to take an account of it. But as I have received no answer to this proposition I shall proceed, if not otherwise advised by you, to put it in such boxes as I can find, and, with your permission, will send it aboard the steamer.

Your honor will permit me to repeat my verbal request of yesterday, that Mrs. Leite Pereira may be furnished with a pass to go to her country house. I understood from your honor that it would be granted, but I sent my servant for it yesterday and he was unable to obtain it.

I improve this occasion to renew to your honor assurances of high regard and distinguished consideration.

CHARLES A. WASHBURN.

His Honor LUIS CAMINOS,
Acting Minister of Foreign Affairs.

Mr. Washburn to Señor Caminos.

LEGATION OF THE UNITED STATES,
Asuncion, September 7, 1868..

SIR: I have the honor to acknowledge the receipt of your note of yesterday, in which your honor informs me that the money left with me belonging to Señor Parodi, and that of Mrs. Grant, I should be permitted to take with me, paying the duty. Mr. Parodi has already taken his away, and I will pay the duty on the three hundred patacones of Mrs. Grant. Ulrich's money will be left with the other things in my house. Your honor also informs me that many people who have left their valuables in my house are desirous of taking them away before my departure, and the hope is expressed that I will delay my voyage till they may be able to do so, as some of them will be rendered insolvent if unable to recover their property now in my possession. In answer to this, I will observe that all these things will be left in two or three rooms of this house, the keys of which will be sent to the care of your honor, so that I do not see why they may not recover them as well after my departure as before, and I shall therefore decline to delay my voyage a single hour for such purpose. I am ready to go now, at an hour's notice, and have been so ever since I received my passports, and if I do not leave to-day it will be because I am unable to do so. Your honor will know at what hour the steamer will leave, and till near that time I shall be happy to deliver to their owners any things in my possession.

I improve this occasion to tender to your honor assurances of high regard and distinguished consideration.

CHARLES A. WASHBURN.

His Honor LUIS CAMINOS,
Acting Minister of Foreign Relations.

Señor Caminos to Mr. Washburn.

[Translation.]

DEPARTMENT OF STATE AND FOREIGN AFFAIRS,
Asuncion, September 7, 1868.

I have received two notes from you to-day; one about taking away money belonging to persons in government service, and about a passport for Mrs. Leite Pereira. The first question has been settled, as you will find in my note, and a pass is not needed for the lady, as the police is informed of her intended departure with you for Trinidad.

The second note, in answer to mine of yesterday, says: Mr. Parodi has drawn his money, and will pay the duty on the three hundred dollars of Mrs. Grant, and Mr. Ulrich's would be left in the house with the goods of other persons; and you said all the other property would be locked up in the house and the keys given to me, and you did not see why the owners could not get their property after you were gone as well as they could before, and you would not stop for that.

Allow me to disagree with you: First, Because only you and the depositors know anything about the deposits, their nature and value. Second, If locked in two or three rooms, who could deliver them but yourself? Third, Who could know anything about the claims, where no receipts had been given, but yourself? Fourth, In case of deposits missing, who could be responsible but you? Fifth, I will not receive the keys you propose to leave with me; who, then, will open the rooms and distribute the goods?

As to Ulrich's money, I have already told you it must be delivered to the police, and not left in the house.

You are mistaken when you say I prevent your departure. The persons whose money you have demand your delay and the return of their deposits.

Yours, &c.,

LUIS CAMINOS.

Hon. CHARLES A. WASHBURN, &c., &c., &c.

Mr. Washburn to Señor Caminos.

LEGATION OF THE UNITED STATES,
Asuncion, September 8, 1868.

SIR: I have the honor to acknowledge the receipt of your note of yesterday, in which you express entire dissent from the course that I had proposed to take at my departure from Paraguay. Having received my passports, I can have no further discussion on points of a diplomatic character. All the persons who left their property with me did it at their own risk and responsibility, as I told them that neither I nor my government would be responsible for anything left with me. I certainly shall not assume any such responsibility now. As people have made infamous charges against me in connection with another matter, false in every particular, the same parties, or perhaps others, may allege that they have left untold sums of money with me that I have refused to deliver; or it may, for aught I know, be weeks before the parties who have left their goods with me come to claim them. In that case am I to be detained in the country till they are all taken away? In your earlier

note of yesterday your honor observes that numerous persons have solicited my delay, both Paraguayans and foreigners, in order to withdraw their effects previous to my departure. Why have they not, in the meanwhile, come for them? A few foreigners have done so, but not a single Paraguayan. How long am I expected to wait?

Your honor remarks that persons having their property deposited in my house solicited my detention, according to the laws of the country, till they could take it away. Had those persons been aware that a foreign minister is subject to the laws of nations only, and not to the laws of the country to which he is accredited, they would not probably have made such a request.

In regard to the money left in my hands by Charles Ulrich, I will remark that three of the rooms occupied by this legation, numbered 97, 99, and 101, were rented by me from the said Ulrich, and that he has other property in them. Desiring to meet your views as far as I can consistently with my duty, this box of money will be left by me with the other things belonging to Ulrich in these rooms, over which I shall claim no legation privileges from this time, and the keys will be delivered to your honor, or to such person as may be designated to receive them, whenever they may be called for.

I am willing to do anything in reason, Mr. Minister, to facilitate persons in obtaining possession of their property; but as I only received it as a favor to them, at their own risk, I do not consider I am under any obligations to remain here on their account. The most of my trunks are already on board of the steamer, and we are left without many things absolutely necessary for health and comfort. In your note of the 4th instant you advised me that a steamer would be ready to take me away and put me aboard the *Wasp* on the following day, and in your note of yesterday you say that you will order the steamer to still wait for me. I trust that the offers thus made may be so far complied with that I may be able to leave to-day.

I am sorry, Mr. Minister, to feel that I ought not to conform to your views, and I therefore ask again for the means of going on board the *Wasp*, that has been waiting to receive me for more than a week.

With this note I send another for Captain Kirkland, commanding the *Wasp*, which I beg your honor to forward to him as soon as possible.

I improve this occasion to renew assurances of high consideration.

CHARLES A. WASHBURN.

His Honor LUIS CAMINOS,
Acting Minister of Foreign Relations.

Señor Caminos to Mr. Washburn.

[Translation.]

DEPARTMENT OF STATE AND FOREIGN RELATIONS,
Asuncion, September 8, 1868.

I have the honor to notify you of the reception of your note of this date, asking my assistance to enable you to get away. I answer briefly.

I intended to have no more diplomatic intercourse with you after I sent you your passport, and if I have exchanged a few notes with you the reasons were justified by their contents.

If the persons who deposited their property in your hands did so at their own risk, though you assumed no responsibility for yourself or

your government, it does not seem to me to be very honorable in the minister of a nation so much respected by our people to abandon those deposits, unless compelled to do so by superior force.

To save you the delay of weeks, as you say, waiting for people to withdraw their deposits, I proposed to notify them as soon as you furnished their names to do so, or run the risk of their loss; but you did not accept my proposal.

As to false claims that may be made for fabulous sums, you are the best judge. You say a few foreigners have withdrawn their deposits, while no native has appeared, and you cannot account for it. I account for it in this way: As all the natives went to the country, they have not had the time to return and withdraw their deposits.

I will order the police to receive the keys of Nos. 97, 99, and 101, to which you refer, containing the goods of Mr. Charles Ulrich.

I regret, Mr. Minister, that you cannot have your carriage put on board; but this inconvenience might have been avoided had your own conduct been different.

To hasten your departure, and seeing that you are willing to give up the goods to their owners, let me suggest that you leave them with the agent of some friendly power, who will deliver them up according to your direction; or, if this does not suit you, select some trusty person of a mercantile firm to make the distribution. I will not object to your choice of any foreigner of your acquaintance, who may be in the service of the government, for that purpose.

Finally, I propose, in case you are determined to abandon the property, to send an officer of the government to take care of it, provided you will give a certified list of the goods, with the documents received with them, so that the owners may come and get them upon receipts you may have given, or meet together and decide among themselves who are the proper owners. I take no responsibility for the officer nor for the government, as neither knew of the deposits; and any future dispute must be between you and the depositors.

The Rio Apa is at your service whenever you choose to leave, and you can do so to-morrow if you like, if you will settle the little difficulty about the deposits, as you seem disposed to do.

If you still entertain a suspicion that I wish to delay your departure, I hope the tenor of this note will remove it.

I have forwarded your note to the commander of the Wasp.

I remain yours, &c.,

LUIS CAMINOS.

Hon. CHARLES A. WASHBURN, &c., &c., &c.

Mr. Washburn to Señor Caminos.

LEGATION OF THE UNITED STATES,
Asuncion, September 8, 1868.

SIR: I thank you very cordially for your note of this day, and accept your suggestion, to leave my house and the property which different persons have left in it in charge of a representative of some neutral power or to some other foreigner of established character and position. In accordance with this proposition I have selected the Italian consul, Señor Chapperson, dean of the consular body in Paraguay, as the most eligible and proper person for this office. I do not know whether he

will accept the charge or not, and I have written a telegram to him which I send to the telegraph station at the same time I send this note to your honor. The conditions of responsibility are freely accepted by me, as I have never assumed any; and whenever I have given receipts, which has not been more than two or three times, I have expressly stated in them that the property was left entirely at the risk of the owners. Immediately after hearing from Señor Chapperson I will advise you, and probably shall then be able to inform you of the hour when everything on my part may be arranged for my departure.

I improve this occasion to renew to your honor assurances of high regard and distinguished consideration.

CHARLES A. WASHBURN.

His Honor LUIS CAMINOS,
Acting Minister of Foreign Relations.

Señor Caminos to Mr. Washburn.

[Translation.]

DEPARTMENT OF STATE AND FOREIGN RELATIONS,
Asuncion, September 9, 1868.

I hereby acknowledge the receipt of your note of yesterday, informing me that you had written to the consul of Italy, asking him to take charge of the archives of your legation and of the deposits of valuables left with you, and saying you would notify me of his acceptance of the charge by Mr. Chapperson.

You write me at noon to-day that the charge has been accepted, and that the archives and deposits will remain at the legation, as I suggested.

I cannot consent that the house you occupied shall continue to be the office of the legation after your departure, as it then will be like any other house in the deserted city. But you and Mr. Chapperson are at liberty to keep the archives and deposits in any house you please.

You will notify Mr. Chapperson that, as you have agreed that the deposits be delivered in presence of government officials, one will attend to witness the acts of delivery.

If Mr. Stewart, Skinner, Burrell, and Twite, or any other who has deposited money with you, presents to you, personally or by deputy, a legal permit to take their money away with you, the government will not object, provided the money is legally exported.

The Rio Apa is waiting for you, and I have ordered the necessary assistance in getting your effects on board.

Yours, &c.,

LUIS CAMINOS.

Hon. CHARLES A. WASHBURN, &c., &c., &c.

Mr. Washburn to Señor Caminos.

LEGATION OF THE UNITED STATES,
Asuncion, September 10, 1868.

SIR: I have the honor to acknowledge the receipt of your note of yesterday. I had never supposed or claimed that this legation would

remain as such, or have any immunities or privileges more than any other house in Asuncion, after I had left the country.

In regard to the delivery of the property of other persons left in my charge, I have requested Señor Chapperson not to deliver it to its owners without the knowledge of the authorities; and as many of the trunks and boxes have no mark or name upon them, I see no objection to the presence of an employé of the government, to make sure that they are delivered to their rightful owners.

I have no notice from any of the persons still having money in my possession, viz., Stewart, Skinner, Burrell, and Twite, that they have the permission of the government to send it out of the country. I have received, however, a letter from Dr. Skinner, requesting me to deliver his trunk to the minister of war and marine, and take his money away with me. From the others I have only verbal requests, made months ago, to do them the same favor. I therefore shall leave it all in charge of the Italian consul, to be delivered to its rightful owners.

Your honor will pardon me if I again say I am ready and impatient to leave, and as you say the Rio Apa is waiting to receive me, I will remark that as soon as I can send on board my remaining luggage I shall be ready to follow. I certainly hope to get away by 9 o'clock this morning, and get on board the Wasp by mid-day, as our situation here is very disagreeable.

Will your honor please advise me to whom I am to pay the duties on the three hundred dollars belonging to Mrs. Grant, as payment was refused to be received yesterday at the Capitama del Puerto.

I take this occasion to renew assurances of distinguished consideration.

CHARLES A. WASHBURN.

His Honor LUIS CAMINOS,
Acting Minister of Foreign Relations.

Señor Caminos to Mr. Washburn.

[Translation.]

DEPARTMENT OF STATE AND FOREIGN RELATIONS,
Asuncion, September 10, 1868.

I hasten to answer your note of this morning by saying that the Rio Apa is ready to take you to the Wasp, and the commander has orders to start as soon as you get on board.

The three hundred dollars belonging to the Widow Grant are exempted from export duty, in consideration of the services of her late husband, just as a larger sum was exempted when that lady left the country.

Yours, &c.,

LUIS CAMINOS.

Hon. CHARLES A. WASHBURN, &c., &c., &c.

Mr. Washburn to President Lopez.

UNITED STATES STEAMER WASP, OFF ANGOSTURA,
Paraguay River, September 12, 1868.

SIR: When Captain Kirkland was about leaving this vessel yesterday to bid farewell to your excellency, I gave him a memorandum of certain

things, to which I requested him to call your attention. Captain Kirkland informs me that on reaching your headquarters he found he had omitted to take this memorandum with him, and therefore was unable to comply fully with my request, having only given the paper a hasty perusal. I therefore take the liberty, at the moment of my departure, of deviating from diplomatic customs, and sending a personal note directed to your excellency. In this memorandum I suggested that he might show you a letter from General Webb, our minister in Rio, from which it would appear that he had almost come to a rupture with that government, by reason of its refusal to permit this vessel to pass above the squadron. This he had done on his own responsibility, without waiting for orders from the United States government, which, on hearing of the outrage, has doubtless taken the most energetic measures to enforce its rights and extricate its minister from a most frightful position. This letter which you saw proves how much truth there was in the declaration of your ex-minister for foreign affairs, José Berges, that I was in collusion with General Webb, and in the interest and pay of the Brazilians.

I have in my possession several letters for Dr. Carreras, which I yesterday requested Captain Kirkland to deliver, but which he refused to do unless I would open them, lest he too should be accused of conveying treasonable correspondence. I herewith send the letters, however, as I do not believe that any treasonable correspondence has ever passed through my hands for or to anybody. In fact, I do not believe there has ever been any conspiracy.

The declarations of Berges, your two brothers Venancio and Benigno, and Sr. Urdepilleta, as given in the notes of your two last ministers of foreign relations, in so far as they implicate me as having any knowledge of a conspiracy, are entirely false, and you know it; and you know that not one of them would confirm or affirm the declaration imputed to him if he were out of your power, but would deny it "in toto," and declare that he had never made it, or that he had done so under torture. Declarations of that kind, your excellency ought to know, will have no weight outside of Paraguay. Not one word of them will be believed, and that all may not be denied by them, you must not only kill off all the persons who have made them, but all by whom they were extorted.

Before finally leaving Paraguay, it is my duty to make my solemn protest against the arrest of those two members of my legation, Porter Cornelius Bliss and George F. Masterman. Their arrest in the street, as they were going with me from the legation to pass on board the steamer, was as gross a violation of the law of nations as would have been their seizure by force in my house. It was an act not only against my government, but against all civilized powers, and places Paraguay outside the pale of the family of nations; and for this act you will be regarded as a common enemy, one denying allegiance to the law of nations.

You will also be regarded as a common enemy for having seized and made prisoners, and loaded with fetters, nearly all the foreigners in Paraguay, and afterwards entered their houses and taken away their money, on the miserable pretext that, finding less in your treasury than you expected, those who had any money in the country must therefore have robbed it from the government.

Your threat to Captain Kirkland, on his first arrival, that you would keep me a prisoner in the country, will be duly represented to my government, and I only wish to confirm his reply to you, that had you done so

my government would have hunted you not only through all South America, but throughout all Europe.

Your obedient servant,

CHARLES A. WASHBURN.

HIS EXCELLENCY MARSHAL LOPEZ,
President of Paraguay.

Mr. Bliss to Mr. Goodfellow.

LEGATION OF THE UNITED STATES,
Asuncion, September 7, 1868.

MY DEAR SIR: Appreciating the friendly interest you have always shown in me, and the kindness with which you have aided my family to obtain news from me during my long detention in Paraguay, I think it proper to send you the present letter by Mr. Washburn, who will doubtless make known to you in detail the unprecedented events which have recently transpired here affecting the rights of all neutral nations, and more especially involving an unexampled violation of the immunities of the American legation, and of the treatment due to an accredited minister of the United States.

You will learn, sir, with surprise, that in common with hundreds of foreigners and natives, comprising almost all the adult males of the country who were not bearing arms, I am accused of belonging to a conspiracy against the government of Marshal Lopez, with the additional aggravation respecting me that I am also charged with belonging to a secret committee, who have put their hands to a compact to assassinate the marshal. You can readily judge of the probabilities of both accusations, and will easily believe me when I say that there is not even the slightest foundation for them, and that, so far from knowing of any conspiracy, I have grave doubts whether any has existed, notwithstanding all the acts of this government, and the so-called confessions of criminals, to be found in the published correspondence between Mr. Washburn and the minister of foreign affairs. This doubt is, I believe, common to all the persons belonging to the American legation.

You will also see the herculean efforts which have been made by this government to fasten upon Mr. Washburn a complicity with the real or pretended revolutionary plot. You will see the false testimony which has been put into the mouths of prominent persons. Much of these statements are self-contradictory, and all of them conflict with each other upon the most essential points; and lastly, they all have this in common, that they furnish no definite information concerning the organization, objects, means, and occasion of action, nor even who were to take the decisive steps; besides, among so many revolutionary papers alluded to, apparently not one of that character has been seized by this government.

But I have no need to discuss the matter further; the truth is evident, and will be recognized by every one in Buenos Ayres. I hope some decided action will proceed from the ministers of neutral nations in Buenos Ayres, though I can scarcely hope that any such action can benefit me, as I am already declared guilty by the government, although not having the slightest idea of the nature of the testimony, necessarily false or forged, which has been or will be produced against me.

All persons in this legation have passed the last two months, since

the extradition of myself and Mr. Masterman was demanded, in a state of continual agitation, alternating between hope and despondency, and following the course of the correspondence, which, on the part of this government, has steadily gone from bad to worse.

I desire to bear the strongest testimony to the fact that, as to all the statements implicating Mr. Washburn in the conspiracy, there is not one of whose truth I have any knowledge, and most of them I know to be false. I also wish to bear witness to the unswerving constancy with which he has insisted upon the rights of legation, and done for me all that could be appropriate under the circumstances. Whatever may happen to me, I can meet my fate with a stout heart and perfect confidence in the Great Architect of the universe, knowing that my Redeemer liveth. I have written at large to my family.

Accept my gratitude for favors received from you and Mrs. Goodfellow, to whom I send my love, and regards to all inquiring friends.

Yours, most truly,

PORTER C. BLISS.

Rev. WILLIAM GOODFELLOW.

Mr. Bliss to Mr. Davis.

LEGATION OF THE UNITED STATES,
Asuncion, September 10, 1868.

DEAR SIR: You will learn from Mr. Washburn of the queer doings that have been going on here for two months past, or, at all events, will learn enough about it from the newspapers. I never thought to be accused of "high treason" by any government under the sun; for, being a musical genius, as you are aware, I am clearly not fit for "treasons, stratagems, and spoils." Whatever comes of the affair, I desire to bear testimony to the persistent efforts of Mr. Washburn to save myself and Mr. Masterman, my fellow-rascal, (as the official correspondence of the ministry here politely designate us.) Mr. Washburn had liked to have shared the fate of the hero of his own novel, if the United States gun-boat Wasp had not very opportunely come to his rescue. As it is, he escapes "by the skin of his teeth," after all possible obstacles have been put in the way of his departure. The Wasp is now lying but a league below here, but is not allowed to come up. I suppose Mr. Washburn will leave to-day, and I shall immediately be nabbed by the twenty or thirty "guardians" who have kindly "looked after me for the last two months."

I hope for relief from our government in three or four months; that is, if it don't come too late for any practical purpose, so far as I am concerned.

Please give my best regards to General Webb and family. I hope Mr. Washburn will arrange all little matters between us; please give him any letters or keepsakes of any little value for my family that I left in a trunk with you. I accompany some lines for Mrs. Davis.

Yours, faithfully,

PORTER C. BLISS.

GEO. N. DAVIS, Esq.

Mr. Bliss to Mr. Washburn.

SEPTEMBER 11, 1868.

SIR: Finding myself at length relieved from the restraint which your excellency has so long exercised over my will, I cannot do less than express freely and spontaneously the important part which your excellency has taken in the revolution in which you have involved many persons, and among them myself. I have declared (feeling deeply, because I would like to avoid such a scandal to your excellency, but following out the truth) that your excellency has been the soul of the revolution; and if this deed now appears to the light of Heaven confessed to by all its accomplices, to whom does it owe its existence save to your excellency, who has continued its direction up to a very recent period? I consider myself, therefore, completely absolved from the promise which your excellency extorted from me yesterday in your office not to reveal your proceedings, old or new. Even your brilliant speculations with the company of Hopkins, for which your excellency ought to pocket a hundred and odd thousand of patacones, have been put in evidence, as also the gilded pill you made Polidoro and Octaviano swallow, as also the last of Caxias, at the time of your excellency's celebrated visit of mediation in March, last year.

The object of this letter is, to say to you that I have determined to request from your excellency the delivery to the bearer of my historical manuscripts, which involve a compromise with this government, and which are, without reason, in deposit with your excellency, you having taken possession of them during my illness last year, and because I have forgotten to demand them of you. They consist, as your excellency well knows, of a voluminous history of Paraguay till the year 1810, and some two thousand pages, or more, of notes in Spanish on more recent epochs, with the chronology up to our days.

Also, I beg that your excellency will have the goodness to send me the three letters written by express order of your excellency, for your justification regarding the affairs of the revolution, of which one is addressed to the New York World, another to Rev. Wm. T. Goodfellow, in Buenos Ayres, and the last to my father, Henry Bliss, of New York.

The truth having been fully displayed, these letters cannot serve your excellency for any object, and, since they are false, it suits me no longer to keep the mystery of hypocrisy, and for your own honor your excellency ought to comply strictly with these my demands.

I do not exact from you the English manuscripts which your excellency made me write in a spirit inimical to Paraguay, since these are the property of your excellency; but I advise you, as a friend, not to attempt to fight against the evidence given by infinite witnesses.

I take advantage of the occasion to salute your excellency with distinguished esteem and appreciation.

PORTER C. BLISS.

His Excellency Hon. CHARLES A. WASHBURN,
United States Minister Resident.

Mr. Washburn to Mr. Stewart.

BUENOS AYRES, September 24, 1868.

SIR: When I left Paraguay on the 12th instant, I regret to inform your excellency that nearly all the foreigners in that country, including

several of your countrymen, were in prison, and as I am the only person beyond the reach of President Lopez's power who has any personal knowledge of their situation, it seems to be my duty to give any information I possess to the representatives of the different foreign governments, that, knowing the condition of their unfortunate countrymen, they may take such action as may seem most proper in order to extricate them from their terrible situation. Unless speedy action is taken there may be none left to tell the tale of their annihilation.

To give an idea, therefore, of the situation there, and of the dangers and horrors to which all foreigners in that country are subjected or exposed, I propose to give a brief narrative of the events that have transpired since the 21st of February last. On the evening of that day, on returning from a duck-shooting "paseo," I learned that several Brazilian iron-clads had passed Humaita, and were on the way to the capital. On reaching my house, I was informed that the minister of foreign affairs, José Berges, had sent an urgent request for me to visit him at his office. I immediately complied, when the minister told me that the Brazilian squadron having passed Humaita, and being already half way to Asuncion, the government had ordered an evacuation of the city, and had declared it a military point. He also said the capital was to be removed to Luque, a little village some ten miles from Asuncion, and that he had invited me to visit him in order that I might have such accommodations provided for me at or near Luque as I might select. I replied that whoever else might obey the order of evacuation, I certainly should not. My legation was, for the time, the territory of the United States, and I should remain in it, giving such protection as my house and flag could afford to all who chose to resort to it. I told Señor Berges, also, that the government had no right to compel the foreigners to abandon their houses and property; that if they chose to remain and defend it, taking the risk of exposure to a bombardment of the town, they had a right to do so. He dissented entirely from this view, and on returning to my house I found it full of people, who were anxiously waiting to learn if I would remain in the capital or not. I told them that I should stay, and many more than my house could accommodate asked permission to remain within the legation. I told them that I could not give them all shelter, but if they chose to deposit their valuables in my house I would receive them, but always subject to their own risk; I should give no receipts for anything.

The same evening and the next day people came rushing in in large numbers, bringing their trunks and boxes and several iron safes, all of which were deposited in the different rooms of the legation. The next day people were hurrying terror-stricken from the town, not from fear of the Brazilians, but of a worse enemy, and towards evening several Englishmen came to my house and asked me to permit them with their families to occupy certain vacant rooms in the rear of my legation. As they were all in the government employ, I suggested that it would be more prudent for them to get permission to do so from the authorities. They accordingly asked and obtained the permission, and on the following morning they came with their families, twenty-one persons in all, and took shelter in the legation. The following morning Dr. Antonio de las Carreras, who was the former head of the Oriental government and a most bitter enemy of the Brazilians, fearing lest, if he fell into the hands of the allies, he would be treated as was Leandro Gomez after the fall of Paysandu, came to my house and asked for shelter. He was accompanied by Francisco Rodriguez Larreta, who went to Paraguay as secretary of legation with Dr. Vasquez Sagastume, the Oriental minister

resident in 1864, and I gave them a cordial welcome, and they remained with me till July 13. At the time we all thought that the war was virtually over, and that within a few days Asuncion would be in the hands of the Brazilians. Such was the universal wish of everybody, Paraguayans and foreigners alike. On the 24th the iron-clads approached Asuncion, which was defended by a little fort having but one gun of sufficient caliber to do any harm to monitors or iron-clads, and this one so badly mounted, as I was informed afterwards, that it could not be depressed so as to be of any service. As the Brazilians approached this fort they began firing at it, but without injuring it. The fort replied with some half a dozen shots to some thirty-five or forty from the iron-clads, when the latter, for some reason inexplicable to me, turned back and went away. No harm was done to the fort, and very little to the town. One shot struck the new palace of the President, but the damage done to it was very trifling. We then supposed that the iron-clads would soon return reinforced, but week passed after week, and month after month, and we could learn nothing of what was going on at the seat of war. Supposing that Lopez was shut up within his intrenchments around Humaita, and that it would be impossible for him to escape with any considerable portion of his army, we thought the duration of the war was only a question of time, a few days more or less. Thus things remained with us, till on the 1st of April we learned, for the first time, that Lopez had abandoned Paso Pucu, and had reached and passed the Tebicuari with the larger part of his army. Thus the end of the war seemed to be indefinitely postponed. Our situation in Asuncion was extremely disagreeable, as it was impossible to obtain many things elsewhere regarded as necessities of life.

The town was completely deserted, save only that more or less people were permitted to come in occasionally to carry away things that, in their first fright and hurry, they were unable to do. Some incidents occurred which showed that the government, or rather Lopez, for Lopez is the government, did not approve of my keeping so many people in my legation, and therefore all of them who had not been recognized as belonging to it thought it prudent not to venture into the streets. But considering the circumstances, we passed the time more pleasantly than could have been expected. Carreras and Rodriguez were most agreeable and intelligent gentlemen, and Mr. Bliss was an encyclopedia of knowledge on almost every subject. Our Paraguay servant was able to obtain for us all the beef, mandioca, maize, chickens, and eggs required, and sometimes a duck or a turkey; the caña of the country could also be obtained at double the prices of Martell's best brandy. But the gloom seemed to be darkening every day over the country; scarcely ever did a person come to my house to carry away anything deposited there, but he had to tell of other foreigners recently arrested and taken in fetters to the President's headquarters at San Fernando. What it all meant no one of us could divine; there was a terrible mystery about it. At length, however, about the 1st of May, I received notice that the United States steamer Wasp had come up as far as Curupayti to take me away, and was there detained by the allied squadron. I knew that Lopez did not wish me to leave Paraguay; that he, like everybody else, was very anxious for me to remain. The foreigners of all nations were especially anxious that I should wait to the end of the war; and many of the better class of Paraguayans, those having most to lose, were exceedingly importunate that I should stay to give them the protection of my flag at the last extremity. Of these the mother of the President was one of the most solicitous. I told them all that I would not abandon them; that I

would endure privations and loss to give them any protection in my power, and that if a successor did not come to take my place, or imperative orders from my government to return home, I would stand by them to the last. I knew also, or at least had no doubt, that if I had proposed to go away and had asked Lopez for means of conveyance to pass through the allied lines to embark on the *Wasp*, he would not have granted my request. I therefore wrote to the commander of the *Wasp* that if he did not come above the squadron my family could not get aboard of his steamer, and I therefore urged him very strongly to force the blockade. My great object was to get my wife and child out of the country, and if the *Wasp* was once above the military lines I could go or not, with or without the permission or favor of his Excellency Marshal Lopez, if, on the arrival of the steamer, it should appear to be my duty to do so. I was disposed, however, to remain, as I knew that if I left I should carry with me the last hope of hundreds or thousands. They all seemed to think that in any contingency my house and person would be inviolate. I did not fully share this opinion, but I nevertheless thought if I could get my family away so much would be gained, and then it would be my duty to remain. With this view I went down to San Fernando to see President Lopez and confer with him in regard to the passage of the *Wasp* above the Brazilian squadron. I found him reserved and glum, though evidently desirous that the *Wasp* should come through; and before leaving to return to Asuncion he promised to forward my letter to Captain Kirkland by flag of truce, and gave me letters to inclose to his commanders at Humaita and Curupayti to allow the *Wasp* to pass without molestation. In my conversations with Lopez he expressed great dissatisfaction that I had admitted so many persons into my house. My communication to Captain Kirkland being dispatched, I returned to Asuncion. The *Wasp*, however, did not at that time go above the squadron, and we were then all left in uncertainty whether or not anything would come to our rescue ere it was too late. The arrests of foreigners continued, but for what object or for what offense no one could imagine. The few people I saw were more frightened and shy than ever. Nothing, however, of importance occurred till, on the 16th of June, we were surprised by the appearance of the acting Portuguese consul, José Maria Leite Pereira, and his wife, who came to ask the protection of my house and flag. Of the events that followed this I refer you for information to the correspondence I had in regard to it, published in the *Semario*. First, the government desired to know if the said Leite Pereira was in my house. I replied in the affirmative, but denied the right of the government to question me as to the persons in my legation, and that if it knew or suspected any obnoxious person to be within it, a specific allegation of his offense must be made before I should be under obligations to send him away. Some two weeks passed after the first call for him was made before it was repeated, and in the mean while we all began to cherish the hope that he would not be molested. His whole offense, so far as I knew then or know now, was the crime which, among civilized men, would be considered venial, if not meritorious, of spending all his own money and all he could borrow to relieve the prisoners who fell into the hands of Lopez, relying on them or their respective governments to repay him after the war. On the morning of his coming to my house, however, he had received notice that his consular character would no longer be respected, and as he had previously been cautioned that Lopez was badly affected towards him, he considered the withdrawal of his exequatur as but a prelude to imprisonment, irons, and starvation; he therefore fled, with his wife, to the United States legation, hoping to

find shelter and protection. It was accorded him without hesitation, though regarded by me as an unwise and imprudent step on his part. On the 11th of July, however, the dream of security was dispelled by the receipt of the letter from the acting minister of foreign relations, Gumesindo Benitez, published in the *Semanario* of July, in which the government demanded the dismissal, on the following day, not only of Leite Pereira, but of everybody else in my house that did not belong to the legation. Pereira and the English left accordingly, though "I told them all that I did not send them away, and that if they chose to remain they might do so, and I would never deliver up one of them until some specific crime was alleged against them." They all thought, however, it was best for them to go, and the English requested me to go and see Colonel Fernandez, the military commander at Asuncion, the men offering to resume work in the arsenal, and requesting to be advised of the points to which the women and children would be sent. The house was surrounded by as many as forty policemen, and they were all afraid of being taken immediately to prison. Fernandez, however, pledged me his word of honor that they should not be molested by the police, but should be well treated, and said the men would be again taken into the service on condition of making new contracts. The men had made the offer only because they thought it better to go to work than go to prison. They accordingly left the legation in the afternoon, and were directed to the railway station, where they were most miserably provided for, notwithstanding that Fernandez had pledged his word of honor that they should be well treated. They remained in that situation for about a week, when they disappeared, and I know not what has become of them. I have heard that the women and children were sent to a village about four leagues from Asuncion, called San Lorenzo, and that the men had, like most of the other foreigners in Paraguay, been taken in irons to the army headquarters. Leite Pereira left about five p. m. of the same day, and was arrested as soon as he got into the street. Of his subsequent fate I know nothing. On the same day I wrote a letter to Benitez, advising him that the Portuguese consul and the English had left voluntarily, but that as no charge had been made against Carreras or Rodriguez, and they preferred to stay in the legation, and as such was also my wish, I presumed no objection would be made to it. By sunrise, however, the next morning, I received another letter still more urgent, demanding that they should leave my house by one o'clock of that day. Still no specific charge was made against them, and I told them that they might go or stay as they thought best, but that they would have the protection of my house and flag until they were taken by force, or till some direct crime was laid to their charge. They both said that if I would promise to remain till the end of the war they would not deliver themselves up, as it was impossible for any specific charge to be brought against them, and they did not believe that Lopez would venture to take them out of the legation by force; but I could not promise to remain to the end of the war, and they therefore said it was better that they should go at once than to enrage Lopez by remaining, when at last they would probably fall into his hands. They accordingly left at twelve m. of the 13th of July, but not till I had shown them my letter of the same date to Benitez, in which I gave my reasons for believing that the government could have nothing serious against them, and that in regard to Rodriguez, even if it had, they had no right to touch him, as he was entitled to diplomatic immunities.

This letter I sent the same afternoon to Benitez, and as all were then gone who did not belong to the legation, I thought that I should be left

to a dismal peace. Before night, however, came another letter demanding that I should likewise send away two members of my legation, P. C. Bliss and G. F. Masterman, whose names as such had long before been given in to the ministry for foreign affairs.

At this point I made a stand, as you will see by the published correspondence, and, by fencing and fighting to the best of my ability, saying some flattering things about Lopez, I kept them with me till my final departure. I admit that I purposely prolonged the correspondence, in hope of saving these two men. They were arrested, however, as they started to accompany me to the steamer, at the moment of leaving the legation, taken by force from my side, and their subsequent fate may be guessed at from what I shall hereafter relate.

May none ever know the dreary uncertainty of the last two months and a half of my life in Paraguay. To see men with whom you have had the most friendly relations for months, with whom you have discussed questions of history and politics every day, varying the monotony of the days with billiards and of the evenings with whist, and yet to feel that of these very men with whom you were talking over the situation one or more might be in irons in one hour, and shot within twenty-four. Certainly you will allow that this was enough to render even the sleep of a brave man fitful and uneasy, and of a man like me, without such pretensions, utterly inadequate to "knit up the raveled sleeve of care." And up to this time we had not the least idea of what it was all about. No such word as treason or conspiracy had, to my knowledge, ever been heard in my house. What could Lopez want? Was it his plan to kill off all foreigners, that no one may be left to tell the story of his enormities? Did he seek to blot out the record of his crimes? If so, the minister was no safer than the other members of the legation. But as Bliss and Masterman were not taken for several weeks after the departure of Carreras and Rodriguez, we gradually got into a more normal state. The conduct of persons accused in the time of the French revolution, whose levity in the prospect of death seems incredible, appeared to us, as we often remarked, no longer strange; but to the credit of Bliss and Masterman, though not to myself, as I did not consider my danger as great as theirs, I will say we scoffed at the dangers before us, and talked, joked, and laughed as freely as though we had nothing to fear. At this point I may remark that, from the time that Leite Pereira came to my house, it was always surrounded by at least a dozen policemen, and that frequently, on looking out in front, I have counted more than that number on one side. Probably fifty men, who might otherwise have been in the army, were kept night and day to watch me and the members of my legation. In the mean while we could hear scarcely anything of what was going on. With the exception of the consuls, who occasionally came in from Luque, no one ever came to my house, and my Paraguayan servants, if they learned anything, feared to tell it. I did learn, however, that about the time that the great sweep was made from my house, the brother of the President, Venancio Lopez, was carried off in irons to the army headquarters. His other brother, Benigno, had been called below long before, and when I visited his excellency at San Fernando, in the early part of May, Don Benigno and the minister of foreign affairs, Berges, were both close prisoners, as was the President's brother-in-law, Saturnino Bedoya. The old Vice-President, Sanchez, who had previously been a prisoner, was then allowed to leave his house, but neither he nor any Paraguayan dared approach me or be seen with me.

For a time we feared it was the intention of Lopez to cut the throats

of all the foreigners, as we knew but little of any arrests at that time of Paraguayans. If they were arrested, they were taken off so quietly that we might or might not hear anything of it for weeks or months. But while the English who had been in the legation were detained in the railway station, the train came in one night at midnight full of prisoners. The English could see nothing, as no light was allowed in the station, but the clanking of the chains and the sighs and groans of the prisoners as they were forced from the cars and driven forward towards the bank of the river were distinctly audible. They were all embarked in a steamer for San Fernando before daylight. A few days after I learned that this crowd of prisoners was almost entirely composed of Paraguayans; that nearly every man in the new capital, the judges, clerks, accountants, and all, save the chief of police, Sanabria, a man eminently distinguished for his brutality, Benitez, and the vice-president, were the only ones left there, besides policemen and soldiers; that there was a gloom over the place so deep and funeral-like that the women and children scarcely ventured out of their houses, and if they did, it was with fear, as if they had just felt the shock of an earthquake and were in dread of another.

For more than fifty years the country has been a Dionysius gallery. It was always the policy of Francia, and of Carlos Antonio Lopez, that everything said should reach the ear of "El Supremo." But in the worst days of Francia the government was mild and paternal compared with what it has been under this younger Lopez. People have been thrown into prison not only for saying things perfectly innocent, and for not reporting what they have heard, but also for the crime of not reporting what they have not heard. It is made the duty of everybody to be a spy on everybody else, and woe to him whose ears are not open to every word spoken in his presence.

The arrest of all the civil magistrates indicated that it was not the foreigners alone that had made themselves obnoxious to Lopez. But what it was all for no one in my house, as I yet firmly believe, had the least idea. The published correspondence, however, will show that about the 18th or 20th of July the government suspected, or affected to suspect, a conspiracy, alleging that ex-Minister Berges was a traitor, and was in collusion with the enemy, and that under my official seal I had transmitted the correspondence to and fro between the conspirators. I must refer you to the published correspondence to show how they undertook to connect me with the conspiracy, or, at least, as knowing that a revolution was in contemplation. At first it would seem that they were so confident of implicating me that they began to publish the correspondence; but after receiving my letter of the 11th of August, in which I showed so many contradictions in the declarations that had been made by the accused, probably under torture, that they suspended further publications. But it was not in the nature of Lopez to show any magnanimity, or even justice, by acknowledging he had been led into error by false depositions. Men who know him would as soon accuse him of ordinary courage as of magnanimity, and he never was accused of that, except in his own "Semanario," of which he is virtually the editor. During all this war Lopez has never exposed himself to any personal danger; he has never on a single occasion risked himself in any battle, and while he was at Paso Pucu he had an immense cave, or rather house, with walls of earth over twenty feet thick, from which he never ventured for weeks together; and at the same time that his organ was filled *ad nauseum* with accounts of the great Lopez leading with dauntless valor his legions to victory, he was sitting quaking and quivering in his cave,

afraid to venture out lest a ball might reach him. On one occasion, some two years ago, when he was out with his bishop and his staff, a shell struck at a distance of half a mile or more from his excellency. Instantly the brave Lopez turned and ran like a scared sheep, with his staff, including the bishop, after him, the latter losing his hat as he fled affrighted after his chief. This is the only instance known of his ever having been in personal danger; he has not even the vulgar merit of personal courage, nor has he any other. His firmness, carried to obstinacy, is the result of personal fear. Many persons, his own people, who have escaped from his power, and whose families have been tortured and otherwise persecuted to death, have sent messages to him threatening to kill him at sight should they ever meet him; he therefore dares not treat with the enemy, for so many have sworn to pursue him, the world will not afford him a refuge if he once has no army between him and his enemies. He knows the country to be lost and ruined; he has no navy, and in my opinion not more than one-fifth of the land forces of the enemy. Why the latter do not attack him and put an end to the war I do not know; but they do not do so, and the war may not end for a long time. Lopez has recently said he expected to be compelled soon to fall back from the river, and then he would retire into the mountains, driving everybody, foreigners and Paraguayans alike, before him. In that case, at the rate the allies have been going on for the last two years, it will be long before he will be unable to present as strong a front to his enemies as he did when they landed above the Tebicuari, viz, one man to watch the telegraph.

It was not, however, till August that I heard, besides the conspiracy against the government, that there had been a great robbery of the public treasury. Of the particulars of this robbery I could never learn anything; neither did I ever have any knowledge of the details of the plan of the conspiracy. It was said in one of Benitez's letters that Mr. Bliss, a member of my legation, had signed a paper, with others, in which they had engaged to assassinate President Lopez. I knew that was false, or, at least, had no doubt that it was so, and defied them to produce any such paper; but they never showed it. They never gave me any clue as to the manner of the conspiracy, or how the revolution was to be effected, and I do not believe to this day that anything of the kind was ever attempted. The declarations of prisoners prove nothing except the merciless cruelties of Lopez, for it is known that he freely employs the torture. He loads his prisoners with heavy fetters, sometimes two, three, or four pairs, and besides flogs them, if they do not give the testimony he requires, till they die.

The only explanation I can give in regard to the robbery of the treasury is this: since Lopez came into power he has never had a competent bookkeeper in his employ, and very probably has never known till recently how much money had been left by his predecessor. He has been spending largely ever since, and probably no accurate account has ever been kept of the amount paid out according to his order. After the city was evacuated, however, in February, he probably had occasion to count his money, and found a large hole in the bottom of his treasury. This discovery was not probably made till some months after the removal to Luque, as about the month of June we found that all those foreigners who had made any money during the past years, and were most likely to have any in their houses, were arrested and sent below. Among them were English, French, Italians, Spanish, Germans, and Portuguese. The plan of Lopez appears to be to get this money into his hands, and then by torture or threats to extort confessions of being either conspira-

tors or plunderers of the treasury. On these confessions they will probably be executed, on the precautionary principle of footpads and other murderers, that "dead men tell no tales." How Lopez expects to escape with the money thus obtained I do not know. Perhaps he thinks that some neutral gunboat will take him and his plunder away at the last moment. But I here give notice that the money thus taken does not belong to Lopez. It is the property of citizens of those powers that are able to pursue it and return it to its rightful owners.

Your excellency, as all the world, probably wonders how it is, if Lopez be the character I have described him, that he is served so faithfully and bravely. It is entirely through fear, for, save and except a few of the most willing instruments of his cruelties, like his favorite mistress, his bishop, Luis Caminos, Sanabria, and a few others, who have evinced most alacrity in doing his bloody work, there is not a man, woman, or child (I do not except either his mother, sister, or brothers) who would not thank God if he would take him to another world where his deserts could be more adequately rewarded.

Why then do the Paraguayans fight so bravely? It is not because of their superior courage, nor of their devotion to Lopez. That they are a brave and enduring people cannot be denied. But the reason why they fight so desperately is this, that, according to Lopez's system of discipline, there is always more danger in giving way than in going on. He has no confidence in his troops, and always seems to act under the belief that they would desert if they could get a chance. He, therefore, in going into battle, advances his first lines, with orders to fight to the death. A little in the rear is a smaller body, with orders to shoot down the first man who gives way or attempts to desert. Behind these are still others, with orders to shoot any one who fails to bring down any one in front who does not fight to the death; and behind those again are others with like instructions, until at last the threads are all gathered in the hands of Lopez. If, in spite of all these precautions, a point is carried by the enemy, his unhappy officers who survive are shot and the men decimated. Under this system he has lost at least one hundred thousand men, probably more than the Brazilians, and yet this system, though it has not left six thousand able-bodied men in the country, has kept from three to six times as many of the allied forces at bay.

The country is entirely denuded of its male population. All the ploughing, planting, and sowing is done by women; women must yoke the oxen, do the butchering, and all the other work usually done by men. There are many women also with the army, to do the labor of men, and thus relieve the troops, but none, I believe, are forced to bear arms.

The next news that we shall probably hear from Lopez is that he has retired with his whole army to the mountains, and that he has driven every man, woman, and child before him. Had not the Wasp arrived till a month later, I have no doubt that I should have been forced to do the same. To the last moment Lopez hesitated whether to keep me a prisoner or not; he wants no one to survive him capable of telling the world of his enormities; and of all those whose declarations have been given in the correspondence lately published, not one will be allowed to escape, nor will any of those persons before whom they were made. For, once beyond the reach of Lopez, they would declare that they had never made them, or had made them under torture.

Since arriving in this city I have seen a letter that was brought by the Wasp, evidently written at the dictation of Lopez, in which some details are given of the nature of the plot or conspiracy. This is the first information I had of the kind of plot that had been discovered, and

the absurdity of the whole thing convinces me more strongly than ever that there never has been any plot or conspiracy at all.

How long is this war to last ? For more than a year and a half I have believed that Lopez would not hold out for two months longer ; but I had no idea how slowly some people could move, if they resolutely set themselves not to fight.

With the hope that the war would end shortly, I remained a year longer than I intended, very much against my interest, and suffering great discomfort. I believe that at the final catastrophe I could be of great service, especially to the foreigners; and had Asuncion been taken in February, when the iron-clads went up there, as we then expected it would be, I should doubtless have been able to save the lives of many who now will never see their native land again. But when all of them had been killed or made prisoners, and nobody, native or foreigner, dared come near my house, and I was utterly powerless to do any service for anybody, I thought it time to obey the orders of my government and return to the United States.

Your obedient servant,

CHARLES A. WASHBURN.

His Excellency Hon. WILLIAM STUART,

Her Britannic Majesty's Minister Plenipotentiary, Buenos Ayres.

P E R U

Mr. Hovey to Mr. Seward.

No. 103.]

LEGATION OF THE UNITED STATES,
Lima, Peru, November 28, 1867.

SIR: I have the honor to inform you that, on the 19th instant, Colonel Prado made an assault on the rebellious city of Arequipa. This movement, after some very severe fighting, resulted in the success of the government troops, as they forced the rebels to retire from their outworks to the center of the city, and, at last advices, Colonel Prado was preparing, from his improved position, to make the final and decisive attack. The losses, as stated in the official reports, are comparatively insignificant, but there is some reason to believe that the real number of casualties has not been made public. In Lima, the partisans of the revolution are very downcast with this intelligence, and those who have always had faith in Prado are more confident than ever of his success.

The rebellion in the north of the republic has, in every encounter with the troops of the government, lost ground, and if Colonel Prado takes Arequipa speedily, as there is every reason to believe, the rebellious faction in the north will instantly disappear.

I have the honor to be, with great respect, your obedient servant,
ALVIN P. HOVEY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Hovey to Mr. Seward.

No. 105.]

LEGATION OF THE UNITED STATES,
Lima, Peru, December 14, 1867.

SIR: From intelligence received from a perfectly reliable source, I am enabled to inform you that President Prado is pushing rapidly his preparations for the reduction of the rebellious city of Arequipa; several of the large guns are already in position, and the final and decisive attack upon the enemy may be looked for shortly. I am informed by the same person, an American, that, having penetrated into the city, he easily discerned the discontent and want of confidence existing among the revolutionary chiefs. It is apparently President Prado's plan to reduce the city by a severe bombardment, thus causing the effects of war to be felt, not only by the soldiers, but by the non-combatants who instigated the present rebellion.

In the northern portion of the republic, Colonel Balta, commanding the insurgents, has gained an unimportant success in the capture of the city of Cajamarca; but on the receipt of this intelligence in Lima, orders were given for the concentration of all the government forces in that section, and the minister of war, Colonel Cornejo, has put himself at their head. This officer, who has the reputation of an able soldier, will

immediately commence active operations with his troops, and should an encounter take place between Balta and himself, the probabilities of success are greatly in favor of the government party.

The almost unanimous opinion in the country leans towards the triumph of Colonel Prado.

I have the honor to be, with great respect, your obedient servant,
ALVIN P. HOVEY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Hovey to Mr. Seward.

No. 106.]

LEGATION OF THE UNITED STATES,
Lima, Peru, December 22, 1867.

SIR: By the steamer which arrived at Callao on the 19th instant, we have information that, in conformity with a proclamation of President Prado, the bombardment of the city of Arequipa, by the forces of the government, should have been commenced on the 18th of the present month. In other respects, the military situation near that city was unchanged.

In the north, the troops led by Colonel Cornejo, the present minister of war, had attacked the forces of the rebel Colonel Balta, and at the last advices the battle was still raging, and the advantage apparently with the government.

By the next steamer of the 28th instant, I think I will be able to communicate some intelligence that will foreshadow the speedy ending of the present revolution.

I have the honor to be, with great respect, your obedient servant,
ALVIN P. HOVEY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Hovey to Mr. Seward.

No. 107.]

LEGATION OF THE UNITED STATES,
Lima, Peru, December 28, 1867.

SIR: Since my last dispatch No. 106, dated the 22d instant, no change of moment has taken place in the military situation here.

Colonel Prado has commenced the bombardment of Arequipa, but without, at latest intelligence, having caused any great damage to life or property. A large Blakely gun, while being conveyed to the camp of Colonel Prado, was spiked and rendered useless by a detachment of the enemy's forces.

In the north the position is the same. The opposing forces were to have fought the decisive engagement about the 23d or 24th of this month, but as yet we have received no intelligence concerning the affair.

I have the honor to be, with great respect, your obedient servant,
ALVIN P. HOVEY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Hovey to Mr. Seward.

No. 109.]

LEGATION OF THE UNITED STATES,
Lima, Peru, January 14, 1868.

SIR: President Prado returned on the night of the 4th instant from the siege of Arequipa, with a shattered and repulsed army, amounting to about fifteen hundred men. The battle was fought on the 27th of December, and is said to have failed in consequence of the desertion of an entire regiment under the command of Colonel Ortiz, the companion in arms and sworn friend of the President. Ortiz's regiment charged with the butts of their guns in the air, and were received with acclamations by the army of the rebellion. Prado's loss will probably amount to fifteen hundred men, killed and wounded.

The causes which led to this revolution may be properly attributed to two sources: 1. The Congress which was convened by Prado for the purpose of forming a new constitution had no sooner met than they passed a resolution resolving that all power was centered in themselves, thus becoming one hundred and one dictators. The whole course of congressional action was a steady, unwavering effort to break the power of the President, and cause the people to lose confidence in his administration. 2. The church party, aided by the women, who control no small part of the political power in Peru, determined to destroy him, because they well knew that he entertained principles in favor of toleration and progress.

In this view many fanatical movements were made in the cities, with the intent of poisoning the public mind against him.

On his return from Arequipa, a spirit of insubordination could easily be perceived throughout the city. This feeling increased until the morning of the 5th, when the President rode through the city, meeting in every part with hisses and cries of disapprobation. He had scarcely returned to his house, which is in front of this legation, when sharp firing was heard in the streets, the people having seized four small cannon at the railway depot, which were being sent to Callao. The firing continued all day and through the night, with mobs passing through the streets, committing many acts of outrage. During the day the majority of the President's troops deserted him, passing over with their arms to the opposite party, and at the close of the encounter the revolutionary party was almost everywhere successful. The casualties are stated at sixty-eight killed and two or three hundred wounded.

On the 6th, the President being advised that the troops would no longer support him, and seeing that further efforts towards the maintenance of his position were in vain, renounced in favor of General La Puerta, (see inclosure No. 1.) The President's family, living in front of my house, to avoid threatened danger from the mob, took temporary asylum in my legation. Here he remained until the night of the 7th, when he left, and subsequently took refuge on board of the United States steamer Nyack. There was no demand of any kind made for his apprehension. In fact, some of the new officials aided him in going on board of the vessel, and he sailed for Chili, on the Nyack, on the 11th instant.

On the 10th I received a note from General Francisco Diez Canseco, brother of the actual leader of the revolution, in which he claims to be political and military chief of the departments of the center, a copy of which, with translation, and my reply thereto, are herewith transmitted, (see inclosure No. 2.)

As indicated in my note to the general, I shall await the commands of the government of the United States before I acknowledge any government *de facto*.

In General Pedro Diez Canseco's proclamation, published on the 8th in the *Peruano*, a copy of which, with translation, is transmitted, (see inclosure No. 3,) I deem it important to call your attention to the fact that all acts of the Prado administration, public and private, are declared null and void. This decree, if carried into execution, will have the effect to nullify the declaration of war against Spain, to restore the treaty made by ex-President Pezet with that nation, and to destroy the treaties of alliance made between Chili, Ecuador, Bolivia, and Peru, besides nullifying all contracts made with citizens and foreigners by Prado's government.

It would be difficult to form any opinion as to the future. But from the contentions now raging between the chiefs of the successful revolution, Balto, Canseco, and Zevallos, the probabilities are that there will be but little peace for months to come in Peru. I am strongly impressed with the belief that Prado will return to control this country in less than one year from the present date.

The finances of the country are exhausted and wasted by these civil dissensions, and the people look to the government for their daily bread. The official "outs" fully equal those who hold positions under the powers that be; and the mongrel negro, mulatto, *cholo*, and Indian population care not who rule so that they can have a little money and a little excitement.

To hope for republican institutions being sustained by such a people is to hope in vain. Add to this the interest of the church here, which is to destroy all civil power and erect in its stead a reign of intolerance and bigotry, and you have a fair prospect of the future. Such being the *status*, and the clergy being by far the most powerful, numerous, and influential class in the country, the future of Peru seems to me to be extremely dark. There are many men struggling for progress and liberty, but as yet their efforts have been unavailing. Among this number may be classed Padre Vijil, Mariatequi, Prado, Quimper, Pacheco, and a large part of the foreign population, but as yet, I regret to say, that the seed has fallen on stony ground. Notwithstanding these views, I do all I can to add to the impression here that this is really a free country and government. To be so in name only is for us far better than to have a despotic government established in Peru.

I have the honor to be, with great respect, your obedient servant,
ALVIN P. HOVEY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Translation.]

REPUBLIC OF PERU.—THE PRESIDENT OF THE REPUBLIC IN COMMAND OF THE ARMY AND NAVY.

LIMA, *January 7, 1868.*

EXCELLENCY: The fate of arms not having been favorable to my cause, and for that reason the civil war having increased in its proportions, I desire to separate myself from the political scene of contest, believing that my person is one of the prettexts for which the republic is suffering so greatly.

I therefore resign the presidency of the republic, and I am ready to leave the country, if this be necessary for the establishment of peace and order.

Therefore your excellency will have the goodness to proceed in the manner most conducive to this object.

God guard your excellency.

MARIANO J. PRADO.

General LUIS LA PUERTA,
Encharged with the Presidency of Peru.

[Translation.]

LIMA, January 7, 1868.

EXCELLENCY: I have had the honor to receive the note of to-day, in which your excellency resigns the presidency in order to remove one of the pretexts of the civil war.

This abnegation is worthy of your excellency's noble character, but I was but encharged with supreme power during your excellency's absence on military duty in the south, and since your excellency's return I have ceased exercising that function. Moreover, I am not empowered to accept the resignation of the President.

Far from continuing in the exercise of the executive power, I beg your excellency to designate the person to be appointed president of the council of ministers.

I have the honor to reiterate to your excellency the assurances of my most distinguished consideration.

LUIS LA PUERTA.

His Excellency Colonel MARIANO IGNACIO PRADO,
Constitutional President of the Republic.

Señor Canseco to Mr. Hovey.

[Translation.]

REPUBLIC OF PERU.—COMMANDANT, POLITICAL AND MILITARY, OF THE DEPARTMENTS OF THE CENTER.

LIMA, January 10, 1868

In consequence of the triumph obtained by the constitutional cause at Arequipa, and the events which have lately taken place in this city and in Callao, his excellency General Pedro Diez Canseco governs the entire republic, in accordance with the constitution of 1860.

The circumstance of his excellency's absence, and my desire to inform your excellency of the sentiments which are held by the new administration, give me the honor of acquainting you with the fact that I am authorized by the President to govern the central departments of the republic, with the character of political and military chief of the same. Therefore, I assure your excellency that the government which I have the honor to represent will cultivate and strengthen the kind feelings fortunately existing between my country and that so worthily represented by your excellency.

I beg to assure your excellency of that distinguished consideration with which I sign myself, your excellency's obedient and attentive servant,

FRANCISCO DIEZ CANSECO.

His Excellency General A. P. HOVEY,
Envoy Extraordinary and Minister Plenipotentiary of the United States.

Mr. Hovey to Señor Canseco.

LEGATION OF THE UNITED STATES,
Lima, January 11, 1868.

GENERAL: I have the honor to acknowledge the receipt of your communication of the 10th instant, informing me that, "in consequence of the triumph of the constitutional cause at Arequipa, and the events which have lately taken place in this city and Callao, his excellency General Pedro Diez Canseco governs the entire republic, according to the constitution of 1860. The circumstance of his excellency's absence and your desire to inform me of the sentiments held by the new administration lead you to communicate to me the fact of your being encharged by the President with the command of the departments of the center of the republic, with the character of political and military chief of the same. You also inform me that the government which you represent will cultivate and strengthen the friendship which happily exists between our respective countries."

Without assenting to or denying the positions stated in the communication referred to, but in view of the great and very important changes and consequences which must necessarily flow from the disturbed condition of Peru, I deem it to be my duty to place all the facts before my government, and await its commands.

The archives of Peru will show that I pursued this same course with Colonel Prado

when he assumed dictatorial power, on entering the city of Lima, and that my government declined to acknowledge his authority for more than ten months thereafter. This arose from no personal feeling, but from the ardent desire of my government to see the principles of republican institutions firmly established in Peru. America should be the land of free institutions, and the government I represent would be jealous of any movement that would bring either anarchy or monarchy to the people of this country.

It is useless for me to say to you, general, that I shall leave nothing undone that may tend to strengthen the bonds of friendship now existing between our respective governments, and that may aid the advancement of republican institutions.

Trusting that the future may bring a brighter dawn upon your country, I have the honor to be, general, your obedient servant,

ALVIN P. HOVEY.

General FRANCISCO DIEZ CANSECO, *&c., &c., &c., Lima.*

[Translation.]

Pedro Diez Canseco, second constitutional vice-president of the republic, encharged with executive power:

Whereas, 1st. On the 28th of November, 1865, Colonel Mariano Ignacio Prado rebelled against the lawful authority of the country, in establishing a dictatorship, by virtue of resolutions forged in the several barracks of the troops, thus changing the form of government, and arrogating to himself the title of supreme chief, in opposition to the 5th article of the existing constitution, by which this act is termed high treason.

2d. That the people of the republic have solemnly refused to recognize the authority of Colonel Prado, as is proved by the acts which they have signed, and which have not been put in force, owing to the brute power which he exercised.

3d. That Colonel Prado has wounded the essentially Catholic spirit of the people by his attacks against their religion; that he has assailed individual and social guarantees; that he has wasted the public money; that he has oppressed the people with unjust and grievous taxes; that without due course of law he has filled the prisons with citizens, and also has banished them to foreign countries, for having only refused to recognize his illegitimate authority; and, in fine, his wicked administration has committed innumerable and grave crimes.

4th. That, according to the decree of the 22d of September last, constitutional order is again restored, in conformity with the national will, so unanimously and vigorously expressed, it now becomes necessary to comply with the provisions of the constitution.

5th. That, according to the 10th article of that document, all acts of those who usurp the public authority are void of effect.

6th. That, in conformity with article 127 of the penal code, those who vary the form of government and depose the constituted authorities are responsible for the crime of rebellion. Therefore, I decree:

1st. That the state of affairs be re-established on the same footing as before and on the 27th of November, 1865.

2d. In virtue of the preceding article, all of the decrees, resolutions, regulations, commissions, issued, and to be issued by Colonel Mariano Ignacio Prado, are null and void, these emanating from him in the character of supreme authority. As regards the commissions issued in favor of the officers, soldiers, and sailors who participated in the combats of Altao, on the 14th of February, 1866, and Callao, on the 2d of May, 1866, the government reserves the faculty of rewarding worthily those individuals.

3d. In conformity with that ordered in the first article, the tribunals of the republic will proceed with all pending law-cases according to the tenor of the codes and laws declared to be in force.

4th. Colonel Mariano I. Prado and his accomplices are responsible for that covered by the 127th article of the penal code.

The minister in general is encharged with the execution of this decree.

Given in the government palace at Arequipa, the 14th day of October, 1867.

PEDRO DIEZ CANSECO.

JUAN MANUEL POLAR.

Mr. Hovey to Mr. Seward.

No. 110.]

LEGATION OF THE UNITED STATES,
Lima, Peru, January 14, 1868.

SIR: I have the honor to inform you that the government forces under Colonel Cornejo, the minister of war under Prado, have been com-

pletely defeated by Colonel Balta, in attempting to capture the town of Chiclayo, defended by the latter. Although the government troops had almost entirely demolished the town, by means of their artillery, yet in the final assault, through the treachery of one of their battalions, they were forced to fly.

By this victory the whole of the republic is under the unquestioned control of the revolution.

I have the honor to be, with great respect, your obedient servant,
ALVIN P. HOVEY.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Hovey.

No. 74.]

DEPARTMENT OF STATE,
Washington, January 15, 1868.

SIR: I inclose for your information a copy of a dispatch* which I have this day addressed to Judson Kilpatrick, esq., minister plenipotentiary, &c., accredited by the United States near the government of the republic of Chili, in relation to the mediation offered on behalf of this government between the Queen of Spain and the allied republics of South America.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ALVIN P. HOVEY, Esq., &c., &c., &c.

Mr. Hovey to Mr. Seward.

No. 112.]

LEGATION OF THE UNITED STATES,
Lima, Peru, January 22, 1868.

SIR: Since my dispatch No. 110, dated January 14, 1868, no important change has taken place in Peru.

Colonel Balta, the chief of the revolution in the north, was the recipient of a public ovation on his arrival at Lima, on the 19th instant. General Canseco was, at last advices, marching down from Arequipa to the coast with an army of 3,500 men, which force he intended to embark on board of the national vessels and proceed with to this city. Until the struggle for the presidency occurs no further trouble is generally apprehended.

The elections, which will take place about April or May, may afford an opportunity for another outbreak.

I have the honor to be, with great respect, your obedient servant,
ALVIN P. HOVEY.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

* For this inclosure see instruction No. 55, of the 15th of January, to the United States minister to Chili, p. 315.

Mr. Hovey to Mr. Seward.

No. 113.]

LEGATION OF THE UNITED STATES,
Lima, Peru, January 28, 1868.

SIR: Several American citizens have presented claims to me against the government of Peru for alleged injuries. They state that in Chiclayo, where the revolutionary army under Balta had control, every foreigner had to flee for his life. Particular attention is called to the communication of Consul Montjoy, and the consular protest, herewith transmitted.

Claims are also made by persons in Lima for injuries to person and property.

Several hundred thousand dollars, the property of Americans, was lost in Callao when Prado's forces entered and sacked that city in 1865. In reference to these last, the government of Prado made arrangements, through congress, to adjust them; but now, as all of Prado's acts are declared null and void, these claims will, in all probability, meet with the same fate.

I most earnestly desire the advice and instructions of the department on this very important and delicate question. As yet, I have made no diplomatic claims of any kind, as the government of Colonel Prado promised me, unofficially, to fairly adjust all claims of American citizens without resorting to diplomatic correspondence.

I have the honor to be, with great respect, your obedient servant,
ALVIN P HOVEY.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Montjoy to Mr. Hovey.

CONSULATE OF THE UNITED STATES,
Lambayeque, January 18, 1868.

HONORABLE SIR: Since my last, the sacking and burning of Ulates and Tormas, in this province, has been continued systematically and deliberately by armed parties that formed part of the army of Colonel Balta in Chiclayo, and commanded by governors and other officials appointed by him, and arrived to such an extent that, in view of the depredations committed upon foreigners and upon foreign capital, the foreign consuls have considered it necessary to protest against such acts in the name of their respective governments, and in the name of the citizens and subjects of all other nations who have been or may be injured in person or property in such a cruel and wanton manner, that the republic of Peru may be held responsible for the act of its public officers.

The greater part of the devastation has been committed since official notice has been received of the change of government in Lima, and that Colonel Balta has ordered or permitted these excesses is proved by his appointment as sub-prefect, of Tomas Sello, in this city, who publicly receives and banquets the leaders and officers of these marauders.

The estate of Mr. Alexander Ruden has been utterly destroyed, his loss amounting, I am told, to more than \$60,000. I have advised many other Americans to apply to you for redress, as I am powerless to assist them.

I inclose with this dispatch a copy of protest, also a dispatch for "Decano," of diplomatic corps, with copy of the same to be made public in the manner that body may determine. I request you to cause it to be delivered.

I have the honor to be your excellency's very obedient servant,

S. C. MONTJOY,
United States Consul.

His Excellency Major General A. P. HOVEY, &c., &c., &c.

[Translation.]

In the city of Lambayeque, capital of the province of that name, in the department of La Libertad, Peru.

On the 14th day of January, 1868, the consular body, resident in this city, met, under the presidency and in the office of its dean, the consul of the United States, with the object of taking into consideration the burning and sacking of valuable property belonging to foreigners, and to Peruvians, committed before the public as witnesses, and before the constituted authorities, by forces, armed, which sallied from the towns near to the places burned, those forces being commanded by officers of their own and by some of the political authorities of the district; that when the immediate solution of the conflict at Chiclayo was confidently hoped for, and the re-establishment of order in these provinces, together with the reassertion of the guarantee covering life and property, a fatal overturning of the social order followed, destroying property, signalized by the sacking and burning of the establishment of the foreigners, Solf & Co., of Chiclayo, Santiago Feely in Jayanca, and of the farms Viña, Balangrande, and Chocofe, the property of Peruvians, in which many foreign employes lost all of their possessions; that moreover, this city, the farm of Errepon, Patapo, Molina de Sta Lima, and others, the property of foreigners, are threatened with a like fate; that such a state of things forms now the most disconsolate and horrid picture; offering to Peru and to the civilized world the most difficult and exceptional situation in which a country could be placed after the effervescence of the political crisis has passed by. In such a situation the consular corps, composed of the undersigned, resolved—

First. To protest, as it does protest, against the above mentioned acts, and against the violation of the guarantees expressed in existing treaties, in the name of their respective governments, and in the name of all foreign citizens, who have been injured or who may be, in their persons or in their property; and declares that it believes the government of Peru to be responsible for the depredations committed by its subordinates and its armed forces.

Second. To send a copy of this protest to the dean of the diplomatic corps, resident in Lima, that he may inform the government of Peru of its contents; and also may inform the other foreign representatives.

Third. That copies be likewise sent to each one of the ministers or diplomatic agents of the countries represented by the undersigned.

SANTIAGO C. MONTJOY,
Consul of the United States.
GREGORIO DEL CASTILLO,
Consul of Chili.
JUAN J. TIRADO Y PORTE,
Consul of the United States of Venezuela.
MANUEL DE NECO,
Consul of the United States of Colombia.

Mr. Hovey to Mr. Seward.

No. 114.]

LEGATION OF THE UNITED STATES,
Lima, Peru, January 28, 1868.

SIR: On the 22d instant General Pedro Diez Canseco arrived at this city, and immediately proceeded to take charge of the government. On the 25th the new cabinet was organized as follows: Minister of foreign affairs, Don Juan M. Polar; minister of interior, Don Antonio Arenas; minister of finance and president of the council, Don J. Luis Gomez Sanchez; minister of justice, Don Bernardo Munoz; minister of war and marine, General Fernando Alvizuri.

I have not yet been informed officially of the existence of this cabinet.

The country appears to be tranquil, and, as well as can be learned of the public feeling, it seems to be in favor of the new order of things.

I have the honor to be, with great respect, your obedient servant,
ALVIN P. HOVEY.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Hovey.

No. 76.]

DEPARTMENT OF STATE,
Washington, February 4, 1868.

SIR: Your two dispatches of the 14th of January, Nos. 109 and 110, have been received. The information which they give of a new and successful revolution in Peru, resulting in the resignation of the President and the assumption of the powers of government by a military chief, has unavoidably affected this government. I do not think it either prudent or necessary to inquire concerning the interests of the respective parties who have contested the powers of government in Peru. Trusting that the people will, with reasonable promptness, exercise all the wisdom and all the virtue which are necessary to establish practical and permanent republican institutions, I am content for the present to approve the forbearing course you have adopted, and to reserve, for the development of events, instructions in regard to the formal recognition of national authorities in Peru.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ALVIN P. HOVEY, &c., &c., &c.

Mr. Hovey to Mr. Seward.

[Extract.]

No. 115.]

LEGATION OF THE UNITED STATES,
Lima, Peru, February 14, 1868.

SIR: A government *de facto* has undoubtedly been established in Peru under the assumed presidency of General Pedro Diez Canseco. You may remember that when I arrived in Peru he was, by virtue of his office, (second vice-president,) and the force of other circumstances, the actual President of the republic. (See my dispatch No. 1, dated November 20, 1865.) I then transmitted my letters of credence to him; but, before I could be received, the army proclaimed Prado dictator, and Canseco quietly retired. His constitutional term of office expired in October, 1866. Now he leaps the hiatus, and claims to continue his rights by virtue of his former election, ignoring all that has passed under the government of Prado.

* * * * *

I have not forgotten to adhere strictly to my original instructions, and to those contained in your dispatch No. 8, dated March 8, 1866, in which you say: "The policy of the United States is settled upon the principle that revolutions in republican States ought not to be accepted until the people have adopted them by organic law, with the solemnities which would seem sufficient to guarantee their stability and permanency."

With this and my original instructions, with Peru in a state of anarchy, and without any lawful head, I gave my reply to General Francisco Diez Canseco, brother of the new acting President, as stated in my No. 109, of 14th January, 1868.

That reply has caused considerable controversy between the journals of Lima. I enclose the attack upon me, with translations, and the

reply made by a Peruvian, also with translation, marked respectively No. 1 and No. 2.

I have had nothing to do, directly or indirectly, with any of these publications.

Should the government feel any interest in this paper controversy, I will have every article touching the question translated and sent forward, only observing that the Nacional is not a national newspaper, but is owned and controlled by English companies.

* * * * *

On the 28th ultimo I received a circular note from his excellency Doctor Don Juan Manuel Polar, secretary of foreign relations in the new government, in which he informs me that "the power of the constitution of 1860 being re-established in the republic, and with it the legal authority of General Pedro Diez Canseco, the second Vice-President, he (Doctor Polar) had been called to the post of minister of foreign affairs in the formation of the new cabinet."

In announcing this fact to me, he assures me that he will take pleasure in faithfully interpreting the ideas of his government, which have no further object than to preserve and strengthen the kind and friendly feelings which have united always, and do unite, Peru to the United States. (See inclosure No. 3.) My reply thereto, in which I state that I will communicate the contents of his note to my government, and that my duty will compel me to await its orders, is likewise transmitted herewith. (See inclosure No. 4.)

Every other diplomatic representative here has acknowledged the new order of affairs, and the feeling manifested against me by some persons arose solely because I did not give my unconditional and immediate adhesion to the new government.

A large amount of unsettled claims and recent outrages committed on several Americans will render it necessary soon to have some communication with the government *de facto*. Mr. Alexander Ruden, a highly respectable and honorable citizen of the United States, taking no part whatever in the politics of the country, has suffered damages, through the destruction of his plantation and crops, amounting to more than ninety-one thousand dollars. Others have been wounded and driven from their employments.

The specific instructions of the government upon this important subject are respectfully solicited.

I have the honor to be, with great respect, your obedient servant,
ALVIN P. HOVEY.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Señor Polar to Mr. Hovey.

[Translation.]

No. 1.]

DEPARTMENT OF FOREIGN AFFAIRS,
Lima, January 28, 1868.

The power of the constitution of 1860 being re-established in the republic, and with it the legal authority of the second Vice-President, General Don Pedro Diez Canseco, the undersigned has been called to the post of minister of foreign affairs in the formation of the new cabinet. The undersigned has the honor to announce this fact to his excellency the envoy extraordinary and minister plenipotentiary of the United States of America, and he takes pleasure in faithfully interpreting the ideas of his gov-

ernment, which have no further object than to preserve and strengthen the kind and friendly relations which have united always, and do unite, Peru to the United States.

The undersigned has the pleasure of improving this occasion to offer to his excellency General Hovey the assurance of his high consideration and regard.

JUAN MANUEL POLAR.

His Excellency General ALVIN P. HOVEY,
Envoy Extraordinary and Minister Plenipotentiary of the United States.

Mr. Hovey to Señor Polar.

No. 65.]

LEGATION OF THE UNITED STATES,
Lima, January 28, 1868.

SIR: I have the honor to acknowledge the receipt of your excellency's note, dated to-day, in which your excellency informs me that, as the power of the constitution of 1860 has been re-established in the republic, and with it the legal authority of his excellency General Pedro Diez Canseco, the second Vice-President, your excellency has been called to the post of minister of foreign affairs. Your excellency further informs me that your excellency will take pleasure in interpreting the ideas of your excellency's government, which are to preserve and strengthen the warm and friendly relations which have always existed, and happily do exist, between Peru and the United States.

I shall take great pleasure in embracing the first opportunity of placing the recent important changes in Peru and the contents of your excellency's note before the government of the United States, and my duty will then compel me to await its orders.

As it is the firm policy and the greatest pleasure of the United States to cement and strengthen the bonds of friendship between all nations professing republican institutions, I trust that the friendly relations now existing between our respective countries will always happily continue.

Without having the pleasure of being personally acquainted with your excellency, permit me to congratulate your excellency upon the exalted position which your excellency now enjoys as secretary of foreign affairs in the government of Peru.

Your excellency will please accept the assurances of my most distinguished consideration.

ALVIN P. HOVEY.

His Excellency Señor Dr. Don JUAN MANUEL POLAR,
Minister of Foreign Affairs.

[Translation from the Nacional, Lima, January 22, 1868.]

A DIPLOMATIC INCIDENT.

With great surprise the public have seen the diplomatic dispatch addressed to the superior chief of the department of the center by the minister plenipotentiary of the United States, in answer to a note which the superior chief had addressed to the foreign representatives, announcing the new government which the republic had just inaugurated, and proclaiming the establishment of the empire of the law.

It is really to be regretted that an officer, purely military, with attributions only to attend to the first requirements of interior order, should have passed a circular to the diplomatic corps, announcing his office, relating the events which have recently occurred here, and reestablishing directly diplomatic relations. But since the entire diplomatic corps, with strict impartiality, had accepted these relations, it was to have been desired that the American minister would have observed the same conduct, instead of establishing, by his refusal, a groundwork of hostility to the new state of affairs which the people, with perfect right, had established. Of the two extremes the American minister could have adopted one, either to have denied roundly to recognize the representation of Don Francisco Canseco, or to proceed in the manner followed by his colleagues. But the dispatch to which we allude, without assailing Canseco's note as irregular from its nature, is an open condemnation of the events which have taken place in the country, and moreover is an ill-timed menace, which the minister was not in a position to make, nor was there any motive for its being made. If it was necessary to receive instructions as to whether the new state of things should be recognized or not, diplomatic practice counsels never extemporaneously to venture opinions which might give occasion to grave commentaries or troubles, which are always inconvenient in the relations which two free people cultivate.

No one can deny that the Peruvian nation is the only judge of its own actions, while they do not offend or injure the rights of other countries. Her transformations of a purely domestic character, are shielded from all diplomatic censure, but more especially when they tend towards establishing, more solidly, the true republican rule, under the protection of the law. In the supposition that even this were not true, only governments can definitively emit opinions concerning the recognition or not of other governments, and even then they cannot, without offending, proceed capriciously. The conduct of the American minister is based on very glaring errors. His excellency has forgotten that the only reason adduced for the delay in acknowledging the administration of Colonel Prado was, that the form of government had been altered, the dictatorship having been proclaimed, an event which has not now taken place, on the contrary, the republican form of government has been more firmly established, guaranteed by the empire of the law, following the traditions of more than half a century of independence, interrupted by the arbitrary acts of a ruler who destroyed and vitiated the representative government, violated and abolished all public liberty and rights.

In spite of the fact that Peru is in the last scenes of a very disastrous civil war, still the administration is regulated and the government of the law established.

People so advanced in democracy as those of the southern States of the Union live yet subject to a most odious military rule, and are deprived of all their benefits under the federal constitution; but here, in the midst of a new people, with the sound of the last combats has disappeared all that military rule which conducted us to anarchy or monarchy, and we may inspire confidence to all republicans of good will.

There are no conquered or conquerors. After the battle, all participate in the benefits of the common law; and no man, who for political opinions may be persecuted, but can find protection in the tribunals of justice.

It is sad, indeed, that our country passes through so many perturbations, but no one will deny that they tend to establish more securely the practice and establishment of republican institutions. But, in the midst of our troubles, the justice and circumspection of our governments, especially in their international relations, have never been obscured. This spirit of justice and moderation should be fomented, but the minister of the United States has forgotten it, and on more than one occasion acted contrary to it.

The feelings which political conflicts leave behind them frequently occasion difficulties in the relations existing between nations; and when, as in the present instance, diplomatic agents do not preserve their neutrality between the parties fighting in the fields of interior policy.

The minister of the United States, felicitating the government on the death of Grand Marshal Castilla, offered a great offense to all of one national party. Conceding asylum to some and denying it to others, he left the bounds of diplomatic circumspection, and his present dispatch comes to finish these antecedents, in revealing a hostility which we earnestly desire had been better concealed, in view of the friendly relations which Peru cultivates with the great republic of the north.

[Translation from the Comercio of January 28, 1868.]

A DIPLOMATIC INCIDENT.

A feeling of national dignity impels us, as good Peruvians, to reply to and refute the article which was published in the Nacional, in its issue of 22d January.

There is nothing more sacred than international relations, nor is any one to be more respected than a foreign diplomatic minister. If we can read contemptuously the articles appearing in our journals about internal politics, we cannot with the same feeling peruse an article which, while treating on international questions, might compromise the national good name. We especially refer to articles which refer to diplomatic questions, or treat of the actions or the person of any representative of a great nation friendly to Peru.

This is what now has happened. We hope that Peruvians will always be found ready to defend foreign ministers when these may be attacked unjustly, or not treated with the high respect, the particular delicacy, and the especial consideration to which they are entitled, and which they receive from every civilized nation, every respectable government, and every reputable man.

We treat of the answer given by General Hovey, minister plenipotentiary of the United States, to Mr. Francisco Diez Canseco, superior military chief of the departments of the center, in answer to the circular which this gentleman thought proper to address to the diplomatic body, resident in Lima, on the 10th instant, concerning the new government just then established.

In criticising the note of the American minister, the editors of the *Nacional* have proceeded with great haste and injustice, have committed grave errors, and have fallen into deplorable contradictions.

To begin with, the editors confess that Mr. Canseco did badly in writing the said circular, and really that is the only sensible remark made in the whole article. They say, "That it is to be regretted that an authority solely military, only encharged with the duty of attending to the first necessities of interior order, should have directed a circular to the diplomatic and consular corps announcing his position, relating the recent events occurred in the country, and reopening diplomatic relations."

The editors, therefore, begin by contradicting themselves, attacking the reply of the American minister by admitting that it was caused by an absurd circular.

The *Nacional* says that the public have seen with marked surprise the reply referred to. This is an error. We have spoken with many distinguished persons and several persons of high position, who regard the reply as called for by the situation. The *Nacional* commits another error in saying that the American minister has been alone in his mode of proceeding, and he should have observed the same conduct as did his colleague.

Now, in the first place, it is simply ridiculous for a newspaper to pretend to dictate to a foreign minister the line of conduct which he should follow; and in the second place, as nations have different policies, so have their agents. But the replies of the ministers of France and England are, on the whole, the same as that of the American plenipotentiary. The English minister says, "I will improve the first opportunity of informing the government of her Britannic Majesty of the facts you communicated to me;" and the French chargé says, "I will fulfill the duty of remitting your dispatch to the cabinet of his Imperial Majesty, which will surely appreciate it." The American minister says, "I deem it to be my duty to make known all these facts to my government and await its orders."

The difference is that the American minister says he will await orders, which the *chargés d'affaires* mentioned had no necessity to say. If the representative of the United States believes it to be his duty to do this, no one can deny his right, and he, better than any one, knows what he does.

The *Nacional* commits a very great error in saying that "of two extremes the American minister could have adopted one—either to have roundly refused to recognize the representation of Mr. Canseco, or to follow the conduct of his colleagues." As to the second extreme, it is absurd to suppose that all ministers can proceed alike when their governments have different policies; and as regards the first, the *Nacional* itself says that ministers cannot refuse to recognize a government; only governments themselves can do so. Therefore, this opinion being correct, the American minister did perfectly right in saying he would wait for his orders, and fulfilled his duties as a true diplomatist.

With respect to the other expressions contained in the dispatch of the American minister, it will be necessary to make some observations in order to clear up the rather obscure faculties of the editors. True diplomacy imposes on diplomatists generally the duty of not expressing a definite opinion as to the charges which may occur in the countries to which they are accredited. The minister of the United States has followed this rule. The diplomacy of the United States is frank and open; it declares truths with great clearness; from the beginning it calls things by their proper names, as bread "bread," wine "wine." This may not be agreeable to some, but the pill must be swallowed; it is the best way to avoid ulterior difficulties.

The American minister says, not only that he will acquaint his government with the facts, as do the English and French ministers, but that he will wait the orders of his government; this is his duty, a duty imposed by his government; and he tells the new government of Peru this fact frankly. The American minister does even more; he has the exquisite delicacy to explain his conduct, and he cites the precedent involved in the case of the recognition of Colonel Prado's government, which was not recognized until several months after its establishment.

It is to be noted that the question interesting the United States is not, whether the government be dictatorial, monarchical, or republican; it is, whether the will of the people upholds it, and if it presents guarantees of stability. The imperial government of Napoleon III was very soon recognized by the United States. The government of Maximilian would likewise, no doubt, have been recognized had it been supported by the people. As to the government (dictatorial) of Prado, South America never saw a more popular movement, yet the United States recognized it only after the 2d of May.

It is necessary here to make reference to an incident which took place in those glorious days for Peru that some wish now to erase from history. When General Hovey presented his credentials to the supreme chief he said, among other things: "Our continent should be the mansion of freemen; and as, according to the language of Jefferson, 'Eternal vigilance is the price of liberty,' we should be more than vigilant of our republican institutions. Permit me to say that, during your short administration, which I have had the pleasure to witness, Peru has received new life, which the most remote generations will experience."

Colonel Prado commenced his reply thus:

"The great nation which you represent pointed out to us the path of independence and liberty; and although vicissitudes incident to nations in their infancy have made superficial minds believe that the principles of Washington had degenerated in our country, recent events have proved the contrary.

"To preserve liberty and independence, a people, guided by mysterious instincts, sometimes employ means which appear contradictory for the ends it desires to attain, and the most liberal government on earth—that of the United States—has invested itself with faculties at first sight incompatible with republican principles, but indispensable towards saving the institutions of that great nation.

"It is highly satisfactory to me that the minister of the United States has formed such an elevated opinion of the use which my government has made of an authority which, though in contradiction, apparently, to republican principles, was placed in my hands to consolidate and defend from unjust attacks the independence and the dignity of America, which I hold as dear as that of my own country.

"I trust, Mr. Minister, that, whatever apprehensions the establishment of a dictatorial government in Peru may have for a moment awakened, the people of the United States will see in my policy the practice of Washington's doctrines, in whose defense the Peruvian nation has put in execution the vigilance of Jefferson."

History will decide if Colonel Prado, styled dictator, exercised more power than our noted presidents *de facto* have done. Let it be proved that the present government is supported by the people, which we do not doubt, and that it presents guarantees of stability, (which God grant,) and we will see that the American government will speedily recognize it. But the suddenness of Prado's fall is rather unpropitious.

We must tell the truth. Foreigners believe that now no government is stable in Peru. This belief can only be removed by seeing a government exist for several consecutive years. The man whose high destiny it will be to put an end to revolutions in this country has not yet made his appearance on the tragi-comic stage of Peru.

If some expressions in the American minister's dispatch have caused surprise, the editors of the *Nacional* must know that the diplomats of the United States are more frank in their language (always neutral and impartial) than those of other countries. We were pleased to see in that dispatch the words "anarchy and monarchy;" these contain the whole history of Spanish America, and exactly those most hateful to the American people, and any anarchical or revolutionary movement is highly distasteful to that people, and any monarchical scheme repugnant in the extreme.

We learn, however, from the dispatch that we will receive the friendship of the citizens of the great republic in proportion to our ability to destroy in Peru the spirit of anarchy and monarchy. Unfortunately both exist, and both urge us towards our ruin. The influence of the great republic is every day more powerful in the whole world. In America it will be omnipotent; to resist it will be to perish. It is necessary to practice the great republican principles of Washington, Jefferson, Madison, and Monroe; then we will be powerful and strong; then great and happy; then the friends of the people of the United States. Without that condition, one of three things is our destiny—either to eat ourselves à la Dupasquier, which is the case; or some European power will conquer us, which would be difficult; or we will be absorbed by the United States, which very well may happen, for that republic is destined to be the new Rome.

Now, if the *Nacional* desires to know why the Americans express themselves with so much frankness, although diplomatic practice counsels no opinion to be hastily expressed, as the *Nacional* dogmatically remarks, we will reply, quoting the words of the great American statesman, Daniel Webster, contained in the dispatch which he wrote, while Secretary of State, to the Austrian minister in Washington, 21st December, 1850, in answer to a protest ordered by the Emperor of Austria to the instructions given to the American minister, A. Dudley Mann; these were to recognize the independence of Hungary, provided it seemed possible that it could be maintained. Mr. Webster says, interpreting the principle which the great republic has always followed: "At the same time, while observing faithfully its obligations as a neutral, no one can ever impede the government or the people of the United States from exercising, according to its own discretion, the rights which it holds as an independent nation, nor from forming and expressing its own opinions freely and on all occasions concerning the great political events which may take place between the civilized nations of the earth."

That nation, observing its rights and practicing its duties faithfully, is not to be wondered at for being universally respected, and for increasing its power every day.

We now trust that the *Nacional* will comprehend the language used by the diplomatic agents of the United States. It manifests an unexampled audacity in asseverating that the conduct of the minister is based on notable errors; it shows a lamentable ignorance in affirming that his dispatch is an open condemnation of the events which have recently occurred in the country, and that it is an ill-timed menace; and it utters a stupid falsehood in stating that the minister did not hold himself neutral in the affairs of Peru. The representative of the great American republic holds too elevated a position to mix in the personal, tricky, insignificant, and lilliputian politics of Peru.

We will answer two other charges made by the *Nacional*, and then we will conclude.

The editors say that General Hovey congratulated the government on the death of General Castilla. In answer to this, we state that, in answer to Minister Osorio's first circular to the diplomatic corps, dated June 9, 1867, the American minister wrote: "I congratulate myself for the opportunity which presents itself to enter into personal relations with your excellency, and, in conclusion, I beg to felicitate your excellency for the brilliant future upon which Peru, free from internal dissensions, is about to enter." The editors of the *Nacional* will see that this was not a congratulation on General Castilla's death, and that the minister of the United States, as well as his government and people, looked with horror on all revolutionary movements, and congratulated the government on every occasion when Peru was free from internal dissensions. On the other hand, this Castilla, a traitor by office, would have died in any civilized country with a rope around his neck.

Peru, which deems herself more civilized than the rest of the world, abolished capital punishments, and consequently proceeds rapidly to its dissolution. Instead of shooting three or four conspirators and traitors, they are allowed their liberty, and in their revolutions three or four thousand innocent lives are lost, immense amounts of property destroyed, the country demoralized and regarded with contempt by foreigners.

The editors of the *Nacional* have committed another error in asserting that General Hovey conceded asylum to some and denied it to others.

Every one knows the history of diplomatic asylum in Peru, and the efforts made by Secretary Pacheco to abolish it; all applauded the conduct of the plenipotentiary and the admiral of the United States in that question.

The American minister has not contradicted himself in the slightest degree, but has observed to the letter the principles which he laid down.

The two cases which have occurred at the American legation are well known—that of Colonel Zegarra and that of ex-President Prado.

One day the minister was proceeding to his house, and when he arrived at the corner of the street where he resides he was brusquely and suddenly seized by the arm by a person whom he did not know, Colonel Zegarra, and told that the person wished to speak to him in the legation. Once past the threshold, the unknown exclaimed, "I implore the asylum of the legation," and at the same time a competent authority arrived with the proper writ against Colonel Zegarra, who had been pursued very closely. We ask, did not the minister of the United States fulfill his line of duty, denying the asylum, and not permitting himself to be surprised into consent?

The second case is this: ex-President Prado was pursued by no authority whatsoever; nevertheless, the evil passions of some ruffians and of a part of the populace were excited to the comital of wanton deeds. Colonel Prado then acted with prudence, seeking a house more secure than that in which he lived, and he went to the American legation, exactly in front of his own residence. As no one demanded him; the case of diplomatic asylum did not occur; nevertheless, the American minister hastened to tell him, from the beginning, "General Prado, no one shall touch you in my house, but you know better than any one else that this legation is no asylum for those which the justice of the country rightfully claims." Several persons connected with the present government heard this—persons who visited Colonel Prado during the thirty-six hours he remained in the legation; persons who offered to aid him in his efforts to embark, and who, as we have been assured, did so. We have, therefore, in the case of ex-President Prado, three circumstances—first, the authority did not pursue him, but rather aided his escape; second, that he did not wish for asylum, but was the guest of a friend only for thirty-six hours; third, that the American minister informed him of his proposed mode of proceeding in time. We ask, did the American minister deviate in this from the rules which he himself laid down?

What say the editors of the *Nacional* now?

To inform them and many who are absolutely ignorant of diplomatic asylum in its international rights, we will repeat what we have said previously concerning its fundamental principles.

Whatever may be the rights of authorities of the country, or the duties of foreign ministers—problems to be resolved by the law of nations—there are two invariable principles which no nation, government, minister, or private individual can ever transgress: 1st. The domicile of a legation is inviolable, and never can any armed demonstration be made against it. 2d. The foreign ministers solely obey the orders of their governments. To deliver up a person taking asylum, is not to obey an order, but to fulfill a duty imposed by the minister's own government and to act in consonance with his instructions. To disavow these principles, is to be ignorant of right; to violate them, is to provoke foreign war.

Now, messieurs the editors of the *Nacional*, what have you done in writing your editorial about so delicate a matter? What was your object in pretending to criticise a diplomatic note emanating from a minister so distinguished as that of the United States? What object had you in accumulating such a mass of errors, falsehoods, and contradictions? Why, finally, have you attacked so unjustly a foreign diplomatic

agent? It really is unjust, most unjust, to say that the "American minister has by his conduct established a basis of hostility, and that he has disavowed, and on more than one occasion acted in contradiction to, that spirit of justice and moderation which he should have fomented."

You, messieurs the editors, have in your publication, actuated by ignoble motives, demonstrated in a superlative degree a want of moderation, discourtesy, audacity, and a spirit of injustice unworthy of a civilized country and dishonorable to the press.

We have shed a tear of grief to see how the illustrious guest who has shown so much sympathy and interest in our country has been treated in Peru. He was accredited to our government, being "one of the most distinguished citizens of the United States," according to the words of President Johnson; he who, without ceasing, has expressed and repeated, publicly and privately, his sincere desires for the greatness of Peru; he who has followed with great and unusual interest all the steps taken by this little republic towards making a name in the catalogue of nations, and to show to the world her growing strength; who, finally, has fulfilled his duty with Puritan severity, and has always labored to foment the love of liberty and of republican institutions, and the observance of the grand principles which are the foundation of American independence.

Can this be called "hostility" and "a contradiction of the feeling of justice and moderation?" When ideas are so perverted in a country, it must be very far on its rapid road to destruction.

But we believe that Peru is not in that condition, and in the name of the nation we protest against the discourteous words of the Nacional.

We can assure his excellency General Hovey that since his arrival at these shores he has been esteemed, respected, and beloved by all who have had the honor of knowing him, and by all who have had an opportunity to admire the rare and beautiful qualities which adorn him, as a man, as a jurist, as a soldier, and a diplomat.

JURIDICUS.

LIMA, January 25, 1868.

P. S.—With an unworthy motive, the editors of the Nacional have again occupied themselves with the dispatch of General Hovey, and they have the audacity to say in their review of the fortnight (which goes abroad, translated into three languages) "that if in a respectable paper of the United States a reliable and truthful account of the manner in which the representative of that nation in Peru has comporting himself, it is almost certain that he would be recalled."

If the ideas expressed by the Nacional were those of a respectable newspaper, and one that represented national feeling, they would have some value abroad. But it is known that the Nacional always adores the rising sun; it was established with the dictatorship and then adored Prado, then it began to adore Castilla, then it passed to Canseco, and now it adores Balta.

Such newspapers are condemned in foreign countries and exercise no influence whatsoever.

Moreover, to console the editors, we will tell them a painful truth. In all foreign countries without exception, in all the corners of the civilized world, there is but one Peruvian name which lifted us from the mire where we were lying, and which gave us some fame. There is only the name of one Peruvian which inspires universal admiration and respect; there is only the name of one Peruvian surrounded with an imperishable glory which reflects on his fellow-citizens abroad—that name is that of Maricano Ignacio Prado.

No one is a prophet in his own country, and much less in an ungrateful one.

JURIDICUS.

January 28.

Mr. Hovey to Mr. Seward.

No. 116.]

LEGATION OF THE UNITED STATES,

Lima, Peru, February 14, 1868.

SIR: The 91st article of the constitution of 1860, of the republic of Peru, now proclaimed to be in force, reads as follows:

When the offices of President and first Vice-President of the republic are vacant, the second Vice-President will be encharged with the supreme command, until the person called by the law may be ready to enter upon the discharge of his duties. *In case of a vacancy, he will give, within three days, the necessary orders for the election of a President and first Vice-President, and shall convoke congress for the objects mentioned in article 81 and the following articles.*

Canseco arrived in this city on the 15th January, took control of the government immediately, but failed to call an election until the 7th of February, and then refused to recognize the old congress, but called for a new one. The hiatus of Prado's government was too broad for any one, save the President himself, to leap. On this point all that a discreet Peruvian will say is, "Vamos á vér." A translation of the "Bando," calling for the election, is annexed. The officials, expectants, and a few of the lower orders of the people, celebrated for three days the anniversary of Canseco's birth, with fireworks, cannon, etc.

No notice of this important celebration was given to this legation, and yet I am informed that the new cabinet was greatly enraged because the stars and stripes did not, of their own volition, and in honor of that very great day, ascend to the top of the mast, and wave their ample folds over the American legation.

The struggle for the presidency will shortly begin between the other aspirants and chieftains, amongst whom may be mentioned Balta, Cevallos, Costas, and others, and then more devastation of the property and danger to the lives of foreigners may be reasonably expected.

Should an election take place, the chances of Colonel Balta for the presidency are decidedly the best, but many believe that the Canseco party are now doing all they can to thwart him.

I have the honor to be your obedient servant,

ALVIN P. HOVEY.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

[Translation.]

Pedro Diez Canseco, second Vice-President of the republic, encharged with the executive powers:

Whereas the glorious termination of the revolution which had for its object the re-establishment of the legal regimen, and the expiration of the administrative period being near at hand, the time has arrived for the people to elect the President and the Vice-Presidents of the republic, and likewise the citizens who are to compose the national congress.

In virtue of the great political events which have occurred since congress adjourned in 1864, it now becomes necessary to renovate and elect entirely anew the congressional body to regulate the advancement of the country, and to enter, without meeting insuperable obstacles, on the constitutional mode of government. Having heard the decision of the cabinet council, I decree:

1st. That on the 1st of April next the parroquial electors shall assemble to select the citizens who shall form the provincial electoral colleges, both bodies to act in strict conformity with the law of April 13, 1861.

2d. The provincial electoral colleges shall select the President, first and second Vice-Presidents of the republic. The same colleges shall elect the senators and deputies corresponding to the departments and provinces composing the nation, in accordance with the plan formed by the congress of 1861.

3d. Congress shall be inaugurated on the 28th of July next, to fulfill the duties imposed by the constitution, and to enact, according to its attributions, the laws which may be required by the condition of the republic.

The minister of state in the department of foreign affairs is encharged with the execution of this decree, ordering it to be published, printed, and circulated.

Given in the house of government in Lima, the 6th of February, 1868.

PEDRO DIEZ CANSECO.

JUAN MANUEL POLAR.

Mr. Seward to Mr. Hovey.

No. 77.]

DEPARTMENT OF STATE,
Washington, February 21, 1868.

SIR: Your dispatch of the 28th of January, No. 113, has been received, with its accompaniment, which is a copy of a report that was made to you on the 18th of January by Mr. Montjoy, United States consul at Lambayeque. There is annexed to the copy of the consul's report an account of certain proceedings of foreign consuls, residing in Lambayeque, held on the 14th of January. In this dispatch you inform me that several American citizens have presented claims to you against the government of Peru for alleged spoliation committed in Chiclayo, which constitute the subject of the consul's report. You also inform me that claims are presented to you by persons residing at Lima, for injuries to person and property, and you call my attention also to the fact that several hundred thousand dollars, the property of Americans, were lost in Callao when President Prado's forces entered and sacked that city in 1865, and that the congress which convened under President Prado's administration made arrangements to adjust the last-mentioned claims, but that now, inasmuch as all President Prado's acts are declared null and void, those claims will in all probability fall into abeyance.

Upon this statement of facts, you properly ask the instruction of this department. By the President's direction I now comply with that request.

You will receive such claims as citizens of the United States may present, together with such evidence on the subject as may be offered, and will transmit the same to this department, with a report upon the merits of each. It is indispensable that the department be fully informed concerning the status of citizenship, domicile, and duration of residence, the occupation and employment of each claimant. Those claims will be carefully examined here, and made the subject in every case of explicit instruction. In the mean time you will present no claims to the government of Peru, unless in some special case, which may have arisen subsequent to the 28th of January last, and which in your judgment will not admit of delay for further examination. In any such special case you will report your proceedings to this department.

It is the policy of this government, as far as possible, not to embarrass, but to favor reorganization and restoration in the American republican states where administration has been deranged by foreign intervention or civil war.

The Peruvian minister residing here will be informed of the contents of this dispatch, and you will ask leave to give a copy of the same informally to the *de facto* government of Peru.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ALVIN P. HOVEY, Esq., &c., &c., &c.

Mr. Hovey to Mr. Seward.

No. 117.]

LEGATION OF THE UNITED STATES,
Lima, Peru, February 22, 1868.

SIR: I have the honor to transmit herewith, for the information of the department, the copy of an unofficial letter received by me from

Commander J. H. Gillis, commanding the United States steamer Wateree, giving an account of the state of affairs in the north of Peru.

I have the honor to be, your obedient servant,

ALVIN P. HOVEY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Commander Gillis to Mr. Hovey.

UNITED STATES STEAMER WATREEE, (3d rate,) *Callao Bay, February 18, 1868.*

SIR: While the Wateree was absent from Callao on the cruise from which she has just returned, I enjoyed opportunities of ascertaining the condition of some parts of the coast of Peru, and avail myself of the honor of hereby informing you of what I trust will be of interest to you. At San José I met the American consul of Lambayeque, and accompanied him to that city, and while there, saw enough to convince me that that section is in a very unsettled state. Indeed there seems to be a perfect reign of terror.

On the 17th instant a party of two hundred and eighty "montoneros" came into Lambayeque for the purpose of welcoming Colonel Balta on the following day, and were received in a public manner by the authorities of the place. While formed in the public square, these men applauded themselves on account of the depredations which they had committed, and cried death to those whose estates they had plundered. On the 8th instant Balta entered the city and received an ovation, the "montoneros" being the chief participants besides the authorities. On the morning of the same day, as a party of officers from this vessel were riding through the public square of Lambayeque, they were stopped, and the horse of one of the officers demanded by some of the same party who had been publicly received the evening previous. I brought the affair to the notice of our consul, and demanded redress, but came away before I could receive a reply.

No serious public outrages occurred, so far as I heard, but they were expected, and indeed the well-disposed citizens appear to heartily despise these roving bands, but feel too weak to offer any resistance. About the time of my arrival at Lambayeque, a wealthy land owner, who claims unusual privileges through the favor of Colonel Balta, shut off the water from a rice plantation belonging to the United States consul, and up to the time of my departure, February 15th, Dr. Montjoy had been unable to obtain any redress, and his crops were fast being ruined.

I will further state that Colonel Balta is reported to have six hundred armed men at his disposal, and it is believed that he intends to instigate another revolution, if he fails to be elected at the coming election.

This vessel also stopped at Santa and Culebras, where there seemed to be no serious difficulty, though the people are apprehensive of trouble. I did not touch at any other port, because, as far as I could learn, there was nothing to demand the presence of a man-of-war, most of the towns being comparatively quiet, though by no means in such a state as one could wish.

I brought as passengers from Lambayeque, two men who were obliged to leave that place, as their lives were in danger at the hands of the lawless. One is an American citizen, and the other a Prussian, both sent on board by the American consul.

I shall do myself the honor to have a personal interview with you as soon as possible.

Very respectfully, your obedient servant,

JAMES H. GILLIS,
Commander United States Navy.

General ALVIN P. HOVEY,
Minister Plenipotentiary of the United States in Peru.

Mr. Seward to Mr. Hovey.

No. 79.]

DEPARTMENT OF STATE,
Washington, March 4, 1868.

SIR: I have to acknowledge the receipt of your two dispatches of the 14th of February, Nos. 115 and 116.

Your account of the partisan discontent which was manifested in Lima in regard to your omission to recognize at once, without instructions from your government, the military chief of a successful armed revolution in Peru, has been read with careful attention. Your proceeding on that occasion is again approved and confirmed. The United States could have no motive to intervene between the political parties of a sister republic. They have every possible motive for sustaining in every case the deliberate and final action of the whole constituent people in every such republic. In case of revolution, foreign nations are entitled to wait for definitive conclusions of the people thus concerned.

You again solicit instructions on the subject of claims. I have nothing now to add to previous instructions on that subject. Those instructions are well considered by the President. Some consideration is due by a friendly state to the embarrassments which governments sustain in the case of revolutionary changes.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ALVIN P. HOVEY, Esq., &c., &c., &c.

Mr. Hovey to Mr. Seward.

No. 119.]

LEGATION OF THE UNITED STATES,
Lima, Peru, March 14, 1868.

SIR: I have the pleasure of acknowledging your dispatch No. 76, dated February 4, 1868, approving my conduct under the new order of affairs in Peru, and my reply to General Francisco Diez Canseco.

As my course has been so entirely different (under instructions) from the other members of the diplomatic corps, and as my failure to acknowledge immediately the existing government has given some little offense, I am gratified to know that, in performing my duty, I have, at least, met with the entire approbation of my government.

Considerable excitement prevails in Lima. On the 6th, General Canseco became alarmed, and caused quite a number of arrests to be made. In the list of prisoners are found the names of the two Colonels Suarez, Colonel Bermudez, Colonel Mugacuru, and others, all strong supporters of Prado, during his administration. Several of these gentlemen have occupied prominent positions in Peru, and are considered as wielding a large amount of political power. It is said that a strong Prado party already exists in Peru, and many look to his early recall.

I have the honor to be your obedient servant,

ALVIN P. HOVEY.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Hovey to Mr. Seward.

No. 120.]

LEGATION OF THE UNITED STATES,
Lima, Peru, March 22, 1868.

SIR: On the 13th instant General Gutierrez was dispatched to Chiclayo by the government at Lima, with orders to remove and bring to Lima all the cannon, muskets, and material of war to be found at the

first-named city. Hardly was his approach signalled, when the inhabitants of Chiclayo rushed to arms, and expressed their determination to forcibly oppose the removal of the cannon, &c. General Gutierrez not desiring to bring on an encounter between his troops and the people of the town, returned to Lima, without fulfilling his orders. The government then conferred full powers upon Colonel Balta, and dispatched him to Chiclayo, to endeavor, by means of his influence, to quiet the people and facilitate the removal of the guns. The report of the progress of his mission has not yet reached Lima.

The people of Chiclayo alleged, in their defense, that the government, while constantly sending arms and ammunition to the south, desired to completely disarm the north, thus placing the latter under the control of the former. The affair is regarded as very significant, and is evidently the precursor of further trouble.

I have the honor to be your obedient servant,

ALVIN P. HOVEY.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Hovey to Mr. Seward.

No. 121.]

LEGATION OF THE UNITED STATES,

Lima, Peru, March 22, 1868.

SIR: Upon the receipt, on the 18th instant, of your dispatch No. 77, dated February 21, 1868, I addressed the minister of foreign affairs, asking permission to send a copy of the same, informally, to the government of Peru. (Inclosure No. 1.)

Having received the minister's reply, (inclosure No. 2,) giving assent to this proposition, I, on the 20th instant, inclosed the copy of your dispatch in the note marked No. 3, and have received an answer thereto. (No. 4.)

I have the honor to be your obedient servant,

ALVIN P. HOVEY.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Hovey to Señor Polar.

LEGATION OF THE UNITED STATES,

Lima, March 18, 1868.

SIR: The undersigned, envoy extraordinary and minister plenipotentiary of the United States near the government of the republic of Peru, has the honor to make known to his excellency the minister of foreign affairs of the government of Peru, that he has, by the last steamer from the north, received an important dispatch from his government, in which he is directed to ask leave to send a copy of the same, informally to the *de facto* government of Peru.

Upon receiving his excellency's reply informing the undersigned that said copy will be so accepted, the same will be immediately transmitted.

The undersigned assures, &c., &c.,

ALVIN P. HOVEY.

His Excellency Sr. Dr. Don JUAN M. POLAR,

Minister of Foreign Affairs of the Government of Peru.

Señor Polar to Mr. Hovey.

[Translation.]

LIMA, March 20, 1868.

The undersigned, minister of foreign affairs of Peru, has the honor to say to his excellency the envoy extraordinary and minister plenipotentiary of the United States, in answer to his note of the 18th of the present month, that, without accepting in any manner the name of government *de facto*, given to that which he has the honor to serve, by that of the Union, he will take pleasure in receiving, in the indicated manner, a copy of the important dispatch of Mr. Seward, whose contents he has already had the satisfaction of learning from the representative of Peru in Washington.

It is the agreeable duty of the undersigned to reiterate to General Hovey the assurances of his distinguished consideration.

JUAN M. POLAR.

His Excellency the ENVOY EXTRAORDINARY
AND MINISTER PLENIPOTENTIARY of the United States.

Mr. Hovey to Señor Polar.

LEGATION OF THE UNITED STATES,

Lima, March 20, 1868.

SIR: I have the honor to acknowledge the receipt of your excellency's note No. 2, dated March 20, 1868, informing me that your excellency, without accepting, in any manner, the name of government *de facto* given by the government of the United States to the government of Peru, will be pleased to receive the copy of the dispatch of the honorable William H. Seward, Secretary of State of the United States, (the contents of which your excellency has already had the satisfaction of learning from the representative of Peru in Washington,) in the manner indicated in my note of the 18th instant.

Your excellency will find inclosed a copy of the dispatch referred to in our communications, together with a copy of the consular protest signed at Lambayeque.

I beg to assure your excellency that I have not the least desire to raise any question as to the form of the existing government of Peru. Whether it be a government *de facto* or *de jure*, or both, the constitution and laws of Peru, together with the laws of nations, must decide, but your excellency will see by the inclosed dispatch that I have simply complied with my duty by communicating with what my government is pleased to call a government *de facto*.

If the government at Washington had regarded the present government of Peru as a government *de jure*, there would have been no necessity for any informal correspondence.

The high estimation in which my government holds his excellency Sr. D. J. A. Garcia y Garcia, now the representative of Peru in Washington, together with the ardent desire to cultivate lasting relations of friendship between our respective governments, has been the cause of placing within his knowledge the facts contained in the said dispatch.

Hoping that such confidence may always exist between our respective governments and representatives, I have the honor to reiterate to your excellency the assurances of my distinguished consideration.

ALVIN P. HOVEY.

His Excellency Sr. Dr. J. M. POLAR,
Minister of Foreign Affairs of the Government of Peru.

Señor Polar to Mr. Hovey.

[Translation.]

LIMA, March 21, 1868.

Inclosed in your excellency's appreciated communication of to-day, I have had the honor to receive the copy of a dispatch from the Honorable William H. Seward, to which your excellency referred in your dispatch of the 18th instant, and the copy of a protest signed by the consular corps of Lambayeque, relative to the occurrences which took place in that province in January last.

As regards the dispatch of the honorable Secretary of State of the American Union.

I should manifest to your excellency that my government has seen in it a new proof of the spirit of justice which animates the American government, of the wise and conciliatory policy of that eminent statesman, a policy which must lead to beneficent results between the two countries and their governments.

In reference to the consular protest, I deem it necessary to make known to your excellency that in accordance with the request of the British subject, Mr. James Feely, presented through the British legation, asking for the removal of the sub-prefect of Lambayeque, and also for indemnification for the injuries suffered by the said Feely, an affirmatory decree has been issued, a copy of which I have the honor to transmit.

I beg to renew to your excellency the assurances of my most distinguished consideration.

J. M. POLAR.

His Excellency the ENVOY EXTRAORDINARY AND
MINISTER PLENIPOTENTIARY of the United States.

Mr. Hovey to Mr. Seward.

No. 122.]

LEGATION OF THE UNITED STATES,
Lima, Peru, March 28, 1868.

SIR: The contest for election still continues. From the indications in Lima, and the action of the clubs, the best informed among the foreign population believe that it is the object of the President, Canseco, to control the future destiny of Peru, either as president or dictator. The probability is that such a condition of things will arise in the coming elections, that no one candidate will receive an absolute majority under the constitution of 1860, and in that event the election will be thrown into the incoming congress, and those now in power will undoubtedly do all they can with that body to maintain their present positions. It is but justice to Canseco to say that he, like Cæsar, has thrice refused the nomination, (the constitution forbidding the same:) whether the parallel may be carried out, future events will show.

All of the departments of the government are not acting in complete concert with the present government of Peru, and it is distinctly understood in Lima that the friends of Canseco are doing all they can to thwart the election of Balta, who is undoubtedly the most popular chieftain of the hour. Should Balta fail, another revolution is inevitable.

I have the honor to be, your obedient servant,

ALVIN P. HOVEY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Hovey to Mr. Seward.

No. 123.]

LEGATION OF THE UNITED STATES,
Lima, Peru, April 14, 1868.

SIR: Although the political condition of Peru is still slightly disturbed, it is universally believed that Colonel Balta, in the late elections, has met with success.

If this election be fairly proved, and sanctioned by the congress which meets in July next. I beg that I may be authorized at once to open relations with his government, as I believe that to be our best policy.

My impression is that our policy here, so far, of non-admission, does not work for the best interests of our country. The Lima newspapers

have been teeming with the most unjustifiable attacks, both against our country and myself, since my refusal to recognize the government of General Canseco; but trusting the whole matter to your better judgment, I have the honor to be, your obedient servant,

ALVIN P. HOVEY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Hovey to Mr. Seward.

No. 124.]

LEGATION OF THE UNITED STATES,
Lima, Peru, April 22, 1868.

SIR: I have the honor to acknowledge the receipt of your circular* dated March 27, 1868, in which I am directed to propose an armistice "in the proper quarter," between Spain and the South American republics, to "be adopted by the government to which I am accredited."

Not deeming this circular as fully authorizing me to acknowledge the present government of Peru, in view of my former instructions, I thought proper, on its reception, to call upon his excellency Doctor J. M. Polar, minister of foreign affairs, and ask for an informal interview.

Calling at the Foreign Office on the 19th of the present month, I met his excellency informally, and had an extended conversation with him in regard to the question.

He expressed his kindest feelings in regard to your friendship for this country, and, after hearing the proposition for an armistice, declared himself personally satisfied with the measure, but said that it would be necessary to lay the matter before the government of Peru and its allies, before a definite answer could be made to the proposal. He then asked me if there would be any objection to giving him a copy of your circular, in the form of a *confidential memorandum*. As he expressed himself so decidedly in favor of an armistice, I thought there could be no indiscretion in granting him the desired copy, and accordingly sent it to him on the same day of our interview.

He seemed to be gratified at the proposition, and said that he would opportunely inform me of the result.

I have the honor to be, your obedient servant,

ALVIN P. HOVEY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Hovey.

No. 83.]

DEPARTMENT OF STATE,
Washington, May 7, 1868.

SIR: I have to acknowledge the receipt of your dispatch No. 123, of the 14th of April. It informs me of the pleasing fact that, at present, the political condition of Peru is only slightly disturbed, and that it is universally believed that Colonel Balta in the late elections has met with success as a candidate for the presidency.

* For this circular see p. 321.

Having given me this information, you express a hope that if this election shall be fairly approved and sanctioned by the congress which will meet in July next, you may then be authorized at once to open relations with the government. You express an opinion that the precaution which we so habitually pursue in regard to a hasty recognition of revolutionary government does not work for the best interests of our country in Peru; and you observe that "the Lima newspapers have been teeming with most unjustifiable attacks against our country and yourself ever since your refusal to recognize the government of General Canseco."

The views you have thus expressed will receive careful consideration. It is less than two years ago since the United States reluctantly recognized the government of President Prado, which came in by revolution against the constitutional system—the same constitutional system which General Canseco now claims to have been restored by a reactionary military force. The United States must be entirely indifferent to political persons and parties in Peru, as in all the South American republics, so long as all those persons and parties agree in maintaining a republican system as the only admissible form of government. To us an administration conducted by General Canseco, or by Colonel Balta, would be as acceptable as an administration conducted by any other chief. What we wait for in this case is the legal evidence that the existing administration has been deliberately accepted by the people of Peru. When a republican form of government is constitutionally established, we hasten to recognize the administration, and to extend to it a cordial friendship. We do thus because every state which constitutes itself a republic becomes by force of that very circumstance a bulwark of our own republic. We do not deny or question the right of any nation to change its republican constitution. We do not deny the right even to change it by force, although we think that the exercise of force can only be justified in rare instances. What we do require, and all that we do require, is when a change of administration has been made, not by peaceful constitutional processes, but by force, that then the new administration shall be sanctioned by the formal acquiescence and acceptance of the people.

We insist upon this because the adoption of a different principle in regard to foreign states would necessarily tend to impair the constitutional vigor of our own government, and thus favor disorganization, disintegration, and anarchy throughout the American continent. In our own late political convulsions, we protested to all the world against any recognition of the insurgents as a political power by foreign nations, and we denied the right of any such nation to recognize a government here independent of our constitutional republic until such new government should be not only successful in arms, but should also be accepted and proclaimed by the people of the United States.

We must be content to endure the temporary dissatisfaction which this policy may occasionally awaken in our sister republics.

In accordance with the principles I have mentioned, the United States will recognize the republican administration which may be organized in Peru so soon as it shall appear to have been deliberately accepted by the Peruvian people themselves. We cannot do it until then.

Should your position at Lima become uncomfortable in consequence of adherence to the policy herein set forth, you will be at liberty to withdraw from the republic temporarily, and await elsewhere the progress of events. I sincerely hope, however, that no such exigency will arise.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ALVIN P. HOVEY, Esq., &c., &c., &c.

Mr. Hovey to Mr. Seward.

No. 128.]

LEGATION OF THE UNITED STATES,
Lima, Peru, July 22, 1868.

SIR: I have the honor to inform you that on my arrival in Lima, on the 20th instant, I found the congress recently elected engaged in the preliminary labors of qualifying their members. As a general thing there are two contestants for every seat, yet both classes claim to be the supporters of Colonel Balta, the President elect, the contest simply being for personal advancement and ambition.

The general impression is that peace will prevail, and that Balta will assume his seat undisturbed, although it is difficult to predict with any degree of accuracy the future action of the people of Peru.

I have some difficulty in clearly understanding my duties under your dispatch No. 83, dated May 7, 1868, and will wait further advices as to when I shall recognize the government here.

Balta has been elected by the entire vote of the people, and my opinion is that it would be the best policy to recognize his government after his inauguration.

I have the honor to be your obedient servant,

ALVIN P. HOVEY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Hovey to Mr. Seward.

No. 131.]

LEGATION OF THE UNITED STATES,
Lima, July 22, 1868.

SIR: In my late visit to Chili, in conjunction with General Kilpatrick, I had interviews on two several occasions with the secretary of foreign affairs of that government in regard to the propositions for meditation made by the United States. The secretary expressed himself as being entirely willing to accept the first proposition of an indefinite truce, which he stated would be tantamount to peace, as no cause of war would be likely to ensue from the old issues. He further said that personally he could have no objections to adjusting the matter by means of the congress of plenipotentiaries proposed by the United States, but that as a party measure it might materially injure the present administration in Chili.

I have the honor to be your obedient servant,

ALVIN P. HOVEY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Hovey to Mr. Seward.

No. 138.]

LEGATION OF THE UNITED STATES,
Lima, Peru, July 28, 1868.

SIR: I beg to present to your consideration the following translated extract from the report of the minister of the interior of Peru, submitted

to-day to congress. From the extract it will be perceived what views are held by the minister regarding those disturbances which took place in the north in January last, and which gave rise to the claims I have the honor to forward to you :

A very lamentable event, and one fraught with the most unhappy circumstances for agricultural interests, has occurred at Lambayeque, and throws a gloom over the epoch through which we have passed.

Between the proprietors of the estate of Vina and the neighboring population quarrels have been constantly taking place for some time past. These quarrels were brought to a climax by the triumph gained in Chiclayo by the constitutional party, and for the moment there was no authority at Lambayeque sufficiently powerful to cause private rights to be respected. The government immediately took measures to prevent a repetition of these occurrences, and Colonel Balta was sent to calm the excitement of the people in that section ; this he did by means of his great influence, but it has been necessary to maintain in Lambayeque a force sufficient to guarantee those private rights which were so cruelly trampled upon.

This opinion of the minister demonstrates clearly the justice of the claims against his government, which are herewith transmitted.

I have the honor to be your obedient servant,

ALVIN P. HOVEY.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Hovey to Mr. Seward.

No. 139.]

LEGATION OF THE UNITED STATES,

Lima, Peru, August 14, 1868.

SIR : I have the honor to subjoin a translated extract from the report transmitted to the present congress, by his excellency the minister of foreign affairs of Peru :

Although the government of the United States of America, following a policy peculiar to itself, has not recognized officially the actual government of Peru, yet it has not failed to give us unequivocal proofs of its friendly interests, through the medium of its minister plenipotentiary in Lima, General Hovey, and through our own legation in Washington.

In addition to the offer of mediation made by the government of the United States, another evidence of its circumspection has been shown to us in informing us of the instructions given to its representatives relative to the claims of citizens of the United States.

I have the honor to be your obedient servant,

ALVIN P. HOVEY.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Hovey to Mr. Seward.

No. 140.]

LEGATION OF THE UNITED STATES,

Lima, Peru, August 14, 1868.

SIR : After an examination of the votes cast in the recent elections, congress, on the 1st instant, declared Colonel Balta the legal President of Peru, and on the following day he was solemnly installed in his position. His remarks, on his inauguration, were as follows :

HONORABLE REPRESENTATIVES : Invested with power by the national vote, and faithful to the oath which I have just subscribed to, I will be just, and nothing more than

just, since I am convinced that in justice we will find that firmness necessary for the salvation of the republic.

I know that the financial condition of the country is not satisfactory, but relying on your valuable assistance, and on the patriotism of all Peruvians, we may hope speedily to remove all embarrassing circumstances—a complete forgetfulness of all past discords, national reform in all administrative branches, but a reform emanating from the law; protection to arts, industry, and agriculture; thus creating genuine sources of wealth.

Such will be my constant effort. Thus the public tranquillity will not be disturbed, and ambition will find the basis of a solid and honorable future in labor, and not in favor, or positions derived from favor.

To you, illustrious legislators, pertains the duty of assisting, with your efficacious co-operation, the constitutional government inaugurated to-day, and I, on my part, promise to be inexorable in extirpating discord or civil war.

May God guide and fortify you in your arduous duties, laboring for the health of the republic.

The new cabinet has been formed as follows:

President of the council and minister of war, Colonel Juan Wancisco Balta; minister of treasury, D. Francisco Garcia Calderan; minister of foreign affairs, D. J. Antonio Barrenechea; minister of interior, D. Pedro Galvez; minister of justice, D. Luciano B. Cisneros.

Mr. Barrenechea was the minister of foreign affairs during the latter portion of Colonel Prado's administration, and was universally esteemed.

I have the honor to be, your obedient servant,

ALVIN P. HOVEY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Hovey to Mr. Seward.

No. 142.]

LEGATION OF THE UNITED STATES,

Lima, August 14, 1868.

SIR: I have the honor to transmit herewith the copies and translations of the correspondence which has taken place between the minister of foreign affairs and myself, on the occasion of the inauguration of the government of Colonel Balta, marked inclosures Nos. 1 and 2.

On reviewing your dispatch No. 83, dated May 9, 1868, I find the following:

What we wait for in this case is the legal evidence that the existing administration has been deliberately accepted by the people of Peru. When a republican form of government has been constitutionally established, we hasten to recognize the administration, and to extend to it a cordial friendship. * * * and, in accordance with the principles I have mentioned, the United States will recognize the republican administration which may be organized in Peru so soon as it shall appear to have been deliberately accepted by the Peruvian people themselves.

You will perceive from the correspondence herewith transmitted, and from the unanimous action of the Peruvian congress, that Colonel Balta has been duly proclaimed constitutional President of Peru, without a contesting element within the limits of the republic. In this view I have deemed it to be the policy of our government, as well as in conformity with the directions contained in your above-mentioned dispatch, to acknowledge the present administration. I would have been compelled to have taken issue with the actual government, after the reception of the note from the foreign minister, if I had not accepted the same.

The country is as peaceful now as it ever has been, or, probably, will be for years to come, and the people seem satisfied with the new administration.

I will observe that the government of President Balta is not the immediate sequence of force, but has been produced by the universal vote of the people, and sanctioned unanimously by congress. Canseco took possession of the presidential chair by force; Balta, by the peaceful will of the people. In this view I consider that I am acting within the letter and spirit of my instructions, and hope that my action will be approved by our government.

I have the honor to be, your obedient servant,

ALVIN P. HOVEY.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Señor Barrenechea to Mr. Hovey.

[Translation.]

No. 6.]

LIMA, August 5, 1868.

I have the honor of addressing your excellency for the purpose of informing your excellency that the nation has chosen, and the congress proclaimed as constitutional President of the republic, Colonel José Balta, who assumed the supreme power on the 2d instant.

After the agitations through which Peru has passed, your excellency and the government of your excellency will view with satisfaction the establishment of a government emanating from the free suffrage of the people, and which has the firm intention of consolidating order in all of the departments of public administration.

One of its principal duties will be the careful direction of foreign affairs, which are intimately united to the internal order of the republic, and the preservation and expansion of those kindly feelings which happily exist between Peru and the United States. In order to attain this end, the government will take the greatest care in causing the persons and interests of all foreign citizens and subjects to be respected within this republic, and to comply faithfully with all existing treaties.

Far from having interests in conflict with those of any other country, Peru, comprehending perfectly her own, desires to preserve the greatest harmony with all nations, and the present government is convinced that that of your excellency is animated by the same wish.

The government now inaugurated, eminently national by its origin and by the course it proposes to follow, is foreign to all parties, since it considers itself, above them all, inspired by justice and strict impartiality, far from blindly refusing to recognize the events of the last few years in the republic; considers it a duty to remember those events in order to carry into effect all that may be just, and to profit by experience.

His excellency the President, doing me the honor to believe that I can interpret his noble views has named me minister of foreign affairs. In accepting this high post, I have flattered myself with the hope of finding in your excellency's government the same friendly sentiments which animate that of Peru. The profound satisfaction I experience in once more entering into relations with the diplomatic corps resident in Lima, is so much the greater since I have the hope that the cordiality of our relations will contribute towards augmenting the good understanding of the two governments, and towards strengthening the ties which unite Peru to the United States.

I dare to hope that your excellency will aid me with your benevolent assistance in this important object, and I beg to assure your excellency of my most distinguished consideration, and to subscribe myself your excellency's most attentive and obedient servant,

J. A. BARRENECHEA.

His Excellency General ALVIN P. HOVEY,

Envoy Extraordinary and Minister Plenipotentiary of the United States.

Mr. Hovey to Señor Barrenechea.

LEGATION OF THE UNITED STATES,

Lima, Peru, August 10, 1868.

SIR: I have the honor to receive your excellency's note, No. 6, dated the 5th instant, in which I am informed that the nation has chosen, and the congress proclaimed, Colo-

nel Don José Balta as constitutional President of the republic, and that Colonel Balta assumed the supreme power on the second of the present month.

Your excellency remarks that, after the agitations through which Peru has passed, the government which I have the honor to represent, as well as myself, will regard with lively satisfaction the establishment of a government called into existence by the free vote of the people, and which has as its firm object the consolidation of order in all of the departments of public administration.

Progress is often the fruit of the agitations and excitements through which nations pass in the grand march of their destiny. I sincerely trust that this may be the case in the late agitations to which your excellency has referred.

The undersigned is gratified to know that the amicable relations existing between the governments of the United States and Peru, have from the earliest hour of the Peruvian republic always been such as should exist between governments professing the same principles, the most cordial and friendly, and that your excellency's government desire that such relations should so continue.

So far from Peru having interests inconsistent with those of other governments, her geographical position, her productions, mineral and agricultural, and her best interests in every point of view (in the opinion of the undersigned) demand not only peace at home, but friendship with the world.

The undersigned has learned with great pleasure, from your excellency's note, of the intention of your excellency's government to cause the rights not only of Americans, but of all foreign citizens to be respected throughout the limits of Peru. This is not only in accordance with the policy of all progressive governments, but is a doctrine absolutely necessary for every republic of America, north or south.

Your excellency further informs me that the government recently inaugurated is above party, and is a government instituted for the people, and desires to comply with all that is just. Nobler impulses could not animate the hearts of those in power, and I hope that the most sanguine expectations of his excellency the President and his cabinet in this regard, may be fully realized.

Permit me to say to your excellency that my past experience in Peru, and knowledge of your excellency's character, assure me that nothing but the kindest relations can exist between our respective governments as long as your excellency holds the high position to which your excellency has been so justly and so honorably elevated.

I beg to assure your excellency of my most distinguished consideration.

ALVIN P. HOVEY.

His Excellency Señor Dr. Don J. A. BARRENECHEA,
Minister of Foreign Affairs.

Mr. Seward to Mr. Hovey.

No. 87.]

DEPARTMENT OF STATE,
Washington, August 17, 1868.

SIR: Your dispatch, No. 128, of the 22d ultimo, has been received. In reply to that part of it which relates to the recognition of the existing government in Peru, I have to state that as the contingency contemplated by the instruction of the department of the 7th of May last seems to have taken place, no objection is now entertained to your holding full official intercourse with that government.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ALVIN P. HOVEY, Esq., &c., &c., &c.

Mr. Seward to Mr. Hovey.

No. 89.]

DEPARTMENT OF STATE,
Washington, August 22, 1868.

SIR: I have your dispatch of the 22d of July, No. 131. It affords me much pleasure to know that the secretary for foreign affairs in Chili

expressed himself to you as being entirely willing to accept the first proposition of the United States for an indefinite truce in the war between the allied republics and Spain. I take notice further that the Chilian secretary said to you that he had no objections to adjust the matter by means of a congress of plenipotentiaries, as proposed by the United States, but that as a party measure it might materially injure the present administration in Chili.

Insomuch as this information comes in an indirect as well as informal manner, I am obliged to limit myself in the use of it to a simple mention of the matter thus noticed to the Spanish minister plenipotentiary here for the information of his government.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ALVIN P. HOVEY, Esq., &c., &c., &c.

Mr. Hovey to Mr. Seward.

No. 144.

LEGATION OF THE UNITED STATES,
Lima, Peru, August 22, 1868.

SIR: I regret to inform you that Peru has suffered the greatest calamity which during its existence has befallen it. On the 13th instant, at 5.40 p. m., a very decided earthquake was felt in Lima and Callao, and, although not causing any injury of consequence, was pronounced to be the most severe movement of the earth experienced here since 1860. Following the earthquake, the sea, rising in a great wave, overwhelmed a portion of Callao, inflicting great damage on the town, and but for the protection afforded by the island of San Lorenzo, the city would have been completely destroyed. Upon the succeeding night a disastrous fire broke out in that city, causing a loss of upwards of one million and a half of dollars. During this terrible occurrence, Colonel Balta, the President, and his ministers were present at the post of danger, directing the efforts of the soldiers and firemen, and rendering very effectual assistance. The Chincha Islands were, in part, submerged, but, owing to the speedy retrocession of the sea, suffered little injury; whilst the city of Ica, distant forty miles from the main land, opposite the Guano Island, was completely destroyed. By the steamer which arrived from the south on the 19th of the present month we learn that the cities of Arica, Arequipa, Iquique and Moquegua, and several minor towns, have been reduced to ruins. The loss of life is estimated at one thousand eight hundred, while the damage done to property will not be covered by two hundred millions of dollars. In the bay of Arica, the United States ships *Fredonia* and *Wateree* were cast on shore and lost, the first with the loss of thirty-seven men, the second with one. The conduct of Commander Gillis, of the *Wateree*, and of his officers and crew in alleviating the wants of the people of Arica is highly commended, and the humane services of the physicians of these two ships, Doctors Winslow and Dubois, have been duly appreciated.

These cities are completely destroyed, not one single house remaining. The effect here has been intense, and, urged by myself, Admiral Turner, commanding the naval forces of the United States in the South Pacific, has generously offered to aid the government in its efforts to render assistance to the ruined and starving people of the south. I beg herewith to transmit the copy of a letter from myself to the minister of

foreign affairs, (No. 1,) and copies of the correspondence passed between the admiral and myself in relation to this subject, (No. 2.)

The government is busily engaged in equipping vessels and loading them with all necessities for the distressed people. I sincerely trust that our only ship here, the Powhatan, may be of some service.

The damage done to commercial interests is immense, and cannot be estimated now from the imperfect data at hand.

I have the honor to be your obedient servant,

ALVIN P. HOVEY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Hovey to Señor Barrenechea.

LEGATION OF THE UNITED STATES,
Lima, August 20, 1868.

SIR: The undersigned takes pleasure in informing your excellency that Admiral Turner, commanding the naval forces of the United States in the South Pacific, will proceed immediately to the port of Arica, to aid, as far as possible, in alleviating the distress caused at that place by the recent earthquake.

In this view the undersigned will be pleased to present Admiral Turner to his excellency the President, so that his voyage may have all the beneficial effects possible.

The earliest convenient hour is requested, as the admiral will arrive at Lima at 11.30 a. m.

I beg to reassure, &c.,

ALVIN P. HOVEY.

His Excellency Señor Dr. J. A. BARRENECHEA,
Minister of Foreign Affairs.

Mr. Hovey to Señor Barrenechea.

LEGATION OF THE UNITED STATES,
Lima, August 20, 1868.

SIR: Fearful that the interview of this morning may have led to misconstruction from the natural imperfections of translation, I beg leave to transmit herewith the correspondence which has passed between the admiral and myself in relation to the matter in question.

Nothing would give the admiral and his command more pleasure than to serve your distressed countrymen in the hour of their great calamity. You will please inform the admiral by one o'clock to-morrow how he can assist you, as his vessel, the Powhatan, will sail about three p. m.

I beg to assure, &c.,

A. P. HOVEY.

His Excellency Señor Dr. DON J. A. BARRENECHEA,
Minister of Foreign Affairs.

Mr. Hovey to Rear-Admiral Turner.

LEGATION OF THE UNITED STATES.

MY DEAR ADMIRAL: Do not fail to do all you can to alleviate the sufferings of those who have borne the terrible calamity of the late earthquake in Peru. I not only request but beg you to leave no effort undone that may aid them in the hour of their direst calamity. If necessary, make your vessels like merchantmen, to take food and provisions to those who may now be suffering. Tell me how many medical men and assistants may be able to find passage in the Powhatan to-morrow. I know your generous nature, and I am sure our government will fully sanction all that you can do in the great cause of humanity.

I am, my dear admiral, yours very truly,

A. P. HOVEY.

Rear-Admiral T. TURNER,
Commanding South Pacific Squadron, Present.

Rear-Admiral Turner to Mr. Hovey.

LIMA, August 20, 1868.

MY DEAR GENERAL: I have received your letter. I deeply sympathize, like yourself, with the sufferers of this world-wide calamity. I do not ask if they are Peruvians or Americans; they are fellow-beings.

Send whom you wish to my ship, or at least to the flag-ship; Captain McDougal is her captain. We will try and take care of them to Arica.

Truly yours,

T. TURNER,
Rear-Admiral, U. S. N.

Major General A. P. HOVEY.

Mr. Hovey to Mr. Seward.

No. 145.]

LEGATION OF THE UNITED STATES,
Lima, Peru, August 28, 1868.

SIR: The details received respecting the terrible earthquake in Peru, concerning which I informed you in my dispatch No. 144, have convinced me that the first estimate made of the loss of life and property was greatly under the truth. From what I have been able to learn, I believe that fully two thousand persons have perished, and upwards of three hundred million dollars' worth of property destroyed from the effects of the shock.

Government and private corporations and individuals are still actively engaged in forwarding all kinds of supplies for the sufferers, and large subscriptions on their behalf are being raised in Lima.

The United States steamer Kearsarge hearing, in Coquimbo, Chili, of the disaster, immediately proceeded with provisions to Arica, and was the bearer of the first assistance received by the starving people.

I have the honor to be your obedient servant,

ALVIN P. HOVEY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Hovey.

No. 92.]

DEPARTMENT OF STATE,
Washington, September 7, 1868.

SIR: I have to acknowledge the receipt of your dispatch of the 14th of August, No. 142, which is accompanied by a correspondence which has taken place between yourself and the minister of foreign affairs, in which correspondence you have formally recognized the government over which Colonel Balta presides in conformity with the constitution of the Peruvian republic. My No. 87, which you must have already received, will have prepared you for an approval of the proceeding related in your dispatch.

I am glad to learn that peace is now prevailing in Peru, and that the new administration seems to be well established. I sincerely trust that that interesting and friendly republic may continue to enjoy the benefits of internal tranquillity and wise administration.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ALVIN P. HOVEY, Esq., &c., &c., &c.

Mr. Hovey to Mr. Seward.

No. 146.]

LEGATION OF THE UNITED STATES,
Lima, Peru, September 14, 1868.

SIR: I beg to transmit herewith the copy and translation of the note of his excellency the minister of foreign affairs, acquainting me with the feelings of gratitude entertained by his government towards Rear-Admiral Turner and myself, in regard to the steps taken towards alleviating the disasters caused by the recent earthquake, and also my reply to the same.

I have the honor to be your obedient servant,

ALVIN P. HOVEY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Señor Barrenechea to Mr. Hovey.

[Translation.]

LIMA, August 21, 1868.

I had the honor of opportunely receiving your excellency's estimable notes of yesterday informing me that Rear-Admiral Turner, commanding the naval forces of the United States in the South Pacific, proposed sailing to Arica immediately, with the view of alleviating, as far as possible, the disaster caused by the earthquake, and asking that the government should denote the articles it might desire to send to Arica by the Powhatan. Your excellency's conduct, and that of the estimable admiral, is that to be expected from the representatives of the American Union, who, wherever they may be, are always ready to aid the unfortunate, and who, in Peru, have given always convincing proofs of their humane and generous feelings in our days of trial, days which try true friendship and true friends.

Your excellency is aware that my government hastened to accept this important offer, and sends to-day, on board the Powhatan, a commission of surgeons and a contingent of money.

His excellency the President and the undersigned went on board the Powhatan to personally thank Admiral Turner, and to manifest his profound gratitude for such an opportune proposal, and I now fulfill the pleasant duty of assuring your excellency of our lasting gratitude.

I beg to renew, &c.,

J. A. BARRENECHEA.

His Excellency General A. P. HOVEY,
Envoy Extraordinary and Minister Plenipotentiary of the United States of America.

Mr. Hovey to Señor Barrenechea.

LEGATION OF THE UNITED STATES,
Lima, August 22, 1868.

SIR: I have the honor to acknowledge the receipt of your excellency's very courteous note dated to-day, informing me of the measures taken by the government of Peru in relation to the offer of assistance made by Rear-Admiral Turner, and expressing the sentiments of your excellency's government, in regard to the steps taken by that officer and myself.

Your excellency's country is filled with sorrow and sadness, caused by the late terrible earthquake.

Permit me to condole with your excellency and the afflicted people of Peru in the hour of your disaster.

Seldom have the world seen sorrows like yours. Calabria, Lisbon, Callao, New Madrid, (Mo.,) in my own country, have in times gone by passed through trials probably as severe as this, but the memory of those past sufferings is softened by the great lapse of years; still here we realize and feel again all the horror of the dreadful past.

May God in his mercy "temper the wind to the shorn lamb," and bring your country out of the terrible ordeal through which it is now passing.

I have done all in my power to alleviate the sufferings of your countrymen, and now can only add that I deeply regret that my countrymen could not have done more than we have for the cause of humanity.

I beg to reassure, &c.,

ALVIN P. HOVEY.

His Excellency J. A. BARRENECHEA,
Minister of Foreign Affairs.

Mr. Hovey to Mr. Seward.

No. 147.]

LEGATION OF THE UNITED STATES,
Lima, Peru, September 14, 1868.

SIR: In my dispatches Nos. 144 and 145, dated the 22d and 28th of August, respectively, I gave you a slight account of the terrible earthquake which on the 13th ultimo laid desolate a large part of Peru, and now, again, it is my painful duty to inform you that a large and the most prolific part of the republic of Ecuador is in ruins, caused by a similar shock at 1:30 on the morning of the 16th of the same month. This earthquake seems to have had its center in the province of Imbabura, near the volcano of Ocampo, about sixty miles north of the city of Quito. Eight towns, with the adjoining *haciendas* and populations, are said to have been entirely destroyed, numbering from forty to fifty-four thousand inhabitants. The cities of Otavalo and Cotacachi, containing respectively about twelve and eight thousand inhabitants, and both situated on the shores of the Lake Mojanda, are said to have been swallowed up with their entire populations, and their sites have become a part of the lake. The city of Ibarra, with a population of thirteen thousand, is totally destroyed, only about three thousand of the inhabitants escaping, and the town Atuntaqué leveled with the earth, burying all of its inhabitants in its ruins. Nor is the injury confined to the cities and towns, but all of the *haciendas* of the province, the richest in Ecuador, growing sugar and grain, and producing large numbers of cattle and sheep, have, as it were, been swept out of existence.

Quito did not suffer in the same ratio in the loss of life, but its walls and houses are destroyed. The most of its inhabitants, including the English chargé d'affaires, Mr. Hamilton, with his large family, were driven to the open plaza or square in the center of the city; and he, more fortunate than the others, is now enjoying the great luxury of a tent, while thousands of the best citizens are without shelter. To heighten the gloom, despondency, and misery of all, the terrific thunder-storms of the tropics seem to have redoubled their forces, and have literally deluged the whole country.

The losses in Imbabura will cause great suffering in Quito, as nearly all the necessities of life for that city were drawn from that province. The difficulty of conveying food from Guayaquil will be very great, as the journey requires twelve days' severe travel, with mules, carrying small burdens, over rugged and precipitous mountains, deep gorges, and narrow passes. If relief in some form is not speedily given, many of the sufferers will be compelled to reach the sea-shore or perish. Extracts from private letters and public documents published in the Lima journals (see inclosures Nos. 1, 2, and 3) show the destruction and destitution to which I have referred. Indeed, these shocks have almost ruined the republic of Ecuador. The mentioned representations have

been fully corroborated by the statements of his excellency Don Antonio Flores, plenipotentiary of Ecuador in Peru. In Peru, also, as I have heretofore informed you, proud and rebellious Arequipa is levelled with the dust; Arica swept from the sea-shore, with but one solitary house remaining; while the district and city of Moquegua, with its rich villages, vineyards, and *haciendas*, are but the wrecks of things that were. Had the earthquake in Peru taken place at night-time, as it did in Ecuador, the loss of life would have exceeded one hundred thousand souls. As it was, that loss in Peru is less, but the loss of property far greater.

Want, hunger, and famine, in these now unhappy countries, are striding through all classes in the midst of the unburied dead, and a general paralyzation of thought and action seems to pervade the land. This is, no doubt, caused by the continuous shocks since, and the great fear of other calamities; and, to add to the consternation of the weak, fearful, and helpless, robbers, in some localities, are said to be sacking and pillaging everything within their reach.

I take great pride in informing you that Rear-Admiral Thomas Turner, Captain McDougal, Commanders James H. Gillis, James S. Thornton, Austin Pendergrast, and the other officers and crews of their command in our navy, near the scenes of danger, have done all that noble-hearted, brave sailors could do to alleviate the sufferings of all within their reach.

The generosity of our country, in days gone by, has left a record that will never be forgotten—Greece, Poland, Hungary, and Ireland, with no greater, if not far less claims for aid or charity, have found that in the United States there were feeling hearts and open hands for those who deeply suffer. Will not our generous-hearted countrymen add Peru and Ecuador to their noble list?

Our government, I know, can do no more than has been done by our navy, but I most earnestly urge and entreat that you appeal to the good men of our country to aid by charity the suffering people of Peru and Ecuador: Let those who gave bread to starving Ireland repeat their generosity, and let the Protestant and the Catholic now join and vie with each other in showing, by their works, that the Christian's creed means good will and charity towards their fellow-men; and let all others who have a heart that can feel for the sufferings of their fellow-beings aid by sending a mite from their riches to the hungry, starving, naked, and desolate people of these two countries. Money, clothing, food, or any other necessities of life, would be "bread cast upon the waters;" but the supplies, to do good, must come quickly. The people are too much terror-stricken to act with vigor, and the governments of Peru and Ecuador cannot now give the aid the necessities of the people imperatively demand.

I have the honor to be your obedient servant,

ALVIN P. HOVEY.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Ponce to Mr. Flores.

[Translation.]

QUITO, August 19, 1868.

With profound grief I communicate to your excellency that on the 16th instant, at 1.15 a. m., a violent earthquake destroyed almost all of the churches and public build-

ings of Quito, the greatest part of the private houses is considerably damaged, and the losses suffered through this catastrophe are inestimable, and thirty years' labor will not repair them. Only eleven people were killed in the capital.

The city of Ibarra has been completely destroyed, only the sixth part of its population escaping. All the other towns of the province (Imbabura) shared the same sad fate, especially Otavalo, where not a living human being remains.

The earthquakes still continue, and consternation and despair increase every moment in the hearts of those who have escaped this tremendous catastrophe.

God preserve your excellency.

C. PONCE,
Secretary of State.

His Excellency Don ANTONIO FLORES,
Plenipotentiary of Ecuador at Lima.

[Translation from the Nacional, of Lima, September 2, 1868.]

QUITO, August 19, 1868.

At half-past one o'clock a. m., on the 16th instant, a terrible earthquake visited this city and the towns adjacent to it. The churches of San Francisco, the Company, Carmen, Saint Clara, the Cathedral, Saint Augustine, and various others have been almost entirely destroyed. The palace of the archbishop and the government house are also in ruins, and throughout the whole city there is scarcely an edifice which has not been severely injured. The shock evidently proceeded from an eruption of the volcanoes of Imbabura or Cotacachi. All the persons having the means have emigrated to the country, and those remaining here sleep in the public plazas for security. The aspect of the city is very sad, only in the squares are people to be seen, or when some procession begging the intercession of Heaven sallies forth. As well as we can discover, only nineteen lives were lost during the catastrophe; but if the continual shocks we experience still augment in force, we shall have to lament greater calamities. This city, however, has not felt the shock as greatly as the surrounding towns. The city of Ibarra has been totally destroyed, not one house remaining standing, and the town of Otavalo is levelled to the ground. More than thirty thousand persons have perished, and the destitution and distress of the survivors cannot be overestimated.

By the next mail I will be able to enter into further details, as at present the particulars of the disaster have not been fully received.

[Translation.]

Extract from an editorial of the newspaper Comercio of Lima, dated September 6, 1868.

The note addressed to the chief of the commission of assistance by the North American admiral, Mr. Turner, not only calls for national gratitude on the part of Peru, but shows the nobility and virtue of the writer, so much the more, if we consider that the sentiments expressed were followed by actions whose value, under the peculiar circumstances, is inestimable.

In spite of the total loss of the Fredonia and Wateree, and the terrible calamities through which the officers and crews of these vessels passed, the noble activity and great heartedness of these valiant sailors were immediately displayed in showering benefits, in the shape of food, clothes, and medical services, upon our desolate and ruined countrymen. In addition to this assistance rendered by the shipwrecked crews, no sooner was the intelligence of the disaster known in Lima, when the American minister residing here, in conjunction with Admiral Turner, placed the ships of the United States squadron in Callao at the disposition of our government, so that, as merchant vessels, they might carry all necessary succor to the starving people of the south. The government eagerly accepted this generous offer, and by means of it was greatly assisted in extricating itself from the terrible embarrassment always attendant on such disasters. We fulfill a most grateful duty in chronicling these acts, and in doing honor to the feelings and the humane and philanthropic proceedings of the American sailors, acts which enslave the gratitude of a nation, and which will cement more strongly our happy relations with the magnanimous people of the United States.

Mr. Hovey to Mr. Seward.

No. 148.]

LEGATION OF THE UNITED STATES,
Lima, Peru, September 14, 1868.

SIR: I have the honor to inform you that I solicited and obtained an interview with his excellency the President of Peru, on the 7th instant, for the purpose of acquainting him with the contents of your circular, dated the 27th of March last, instructing me to propose, in the proper quarter, that this government should consent to a formal armistice; and, following this, to suggest the idea of a congress of plenipotentiaries, from Spain and these allied republics, to be held at Washington, to arrange a definitive peace.

The President accepted, on the part of Peru, the propositions contained in your dispatch, saying that war was no longer desired by his country since the victory obtained over the Spaniards on the 2d of May, 1866, had avenged the wrongs suffered by Peru; that an indefinite truce would be mere weakness, but that your propositions would lead to peace, now greatly coveted by this republic. He added many expressions of his gratitude in regard to the generous interest always manifested by the United States for Peru.

The minister of foreign affairs, who was present at the interview, informed me that, by order of the President, he was already holding conferences with the representatives of Chili, Bolivia, and Ecuador, resident in Lima, for the purpose of jointly accepting the propositions contained in your circular, and that he would speedily acquaint me, in writing, of the result of the deliberations.

I may mention that Ecuador has a plenipotentiary here now, with special instructions to bring about peace on the terms proposed by the United States.

I have the honor to be your obedient servant,

ALVIN P. HOVEY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Hovey to Mr. Seward.

No. 150.]

LEGATION OF THE UNITED STATES,
Lima, Peru, September 30, 1868.

SIR: I have the honor to transmit herewith (inclosure No. 1) a copy and translation of an opinion given by the honorable M. T. Wreta, fiscal of the illustrious supreme court of Peru.

The duties of this office are similar to, but of more extensive jurisdiction than, those of the Attorney General of the United States, and his opinions and conclusions have like weight and authority. As many claims for aggravated injuries have been filed in this legation, (a part of which, with the proofs complete, have been forwarded to you heretofore for the action of the government,) and as the honorable fiscal has cited American authorities in the refusal of a French claim, of the same class as those I have referred to, I have deemed it to be my duty, and proper, under the circumstances, to protest, in the form of a "deduction," against his very unjust and illegal conclusions, (inclosure No. 2.)

Without prompt action in this regard, I was fearful that the government of Peru might take some decisive action that might retard the

payment of the claims of our countrymen. You will perceive that, in conformity with your dispatch No. 77, dated 21st February, 1868, I have made no diplomatic claims, but simply prepared the way for them in future, should the government of Peru fail to do justice without that unpleasant recourse.

While Americans stand foremost, at the present, with the Peruvian government, I regret to state that a large class of those who may be styled the "best society" in Peru entertain strong antipathies towards all foreigners.

The late magnanimous decree of President Melgarejo, of Bolivia, making all Americans, north and south, citizens of that republic, with full rights, on the simple registration of their intentions, can find no response in Peru. I trust that I have taken no position which will not meet with the entire approval of our government.

The sworn statements of the injured, with their proof, and the report of Grand Marshal La Fuente, late minister of the interior, clearly show that the remedy should come quickly from some source; and if the claims of our countrymen are not firmly and immediately supported by the government of the United States, I am fearful it never will come.

I am positively informed that the English, French, and Prussian *chargés d'affaires* have also sent protests to the minister of foreign affairs against the opinion of Dr. Wreta, to which I have referred, the subjects of each having suffered in the late outbreak.

I have the honor to be your obedient servant,

ALVIN P. HOVEY.

HON. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

[Translation.]

LIMA, August 27, 1868.

MOST EXCELLENT SIR: The fiscal gives his opinion that "as Bernard Prieur has asked from your excellency the payment of \$4,979, the value of goods robbed from his armory, situated in Baquijano street, No. 266, and gives as reasons that on the 6th of January last, during the mutiny of the people of this capital, his establishment was broken into, and he was left in utter want and misery"—founding upon these reasons, he considers his demand to be strictly just, and applies directly to your excellency without making the claim in a diplomatic channel as a French subject.

Although Prieur does not explain the manner in which the robbery was committed, you may read in the letter which he presents as proof, and which is written by the owner of the house in which his store is situated, Don Francisco Forcelledo, as follows: "On the 6th of January I was standing in the door of the house in which I reside, at the moment when the revolutionary movement took place, and I saw a disorderly troop of men of the lower classes breaking open the door of the store in which you have your armory, and who, after having penetrated therein, appropriated all the arms they could find."

Society and the government always deplore the misfortunes that happen to natives and foreigners, and they protect equally the one and the other, in so much as may be within their power and the laws may permit, and condemn all violation of individual guarantees. An abstract examination of the events of the 6th of January, so far as regards political views, which lead to nothing in the present case, shows, that if at two o'clock on that day a mutiny among the soldiers of the barracks of San Augustin took place, followed by a popular rising in the streets, and that extended through the streets of Baquijano as far as the Callao railway station, the action of the authorities was so rapid and effective that in less than three hours the mob was dispersed, and the districts in which those occurrences took place were completely quieted. But during those few moments of strife many lives were sacrificed and, some crimes committed, which it was unable to foresee and impossible to prevent. Unfortunately, the situation of the armory of Prieur in one of the streets in which the riot took place served to excite the desire of the mob to take advantage of the opportunity to procure arms with which to resist the police, without there being a suspicion that there was a pro-

ject to injure any particular person, much less causing such damage to a foreigner in distinction to a native citizen.

In whatever manner the subtraction of the arms that belonged to Prieur was executed, it was always the crime of robbery committed by a crowd, accompanied by violence and house-breaking, which is provided for in 1st titulo, section 12, of the Penal Code. The corporal punishments laid down for those guilty of these crimes are to be applied, together with the restitution of the thing robbed, (article 371,) because such persons are both criminally and civilly responsible for their acts; and the civil responsibility comprehends, besides the restitution of the thing stolen, reparation for the injuries and indemnification for the losses, and is binding upon all of the delinquents, and falls upon their heirs in preference to all and every obligation posterior to the particular crime. (Articles 87, 92, adnfollowing. Penal Code.) But if, in conformity with the general ruling of section 1, lib. 1, del. C. de E. P., only those tribunals and judges established by the laws have the power to give a verdict as to such criminal and civil responsibility, for the reason that the administration of justice belongs exclusively to them. By the especial decision contained in the second part of the 92d article of the C. P., the judge and no other authority is competent to assign the proportionate amount which ought to be paid by each criminal for his civil responsibility, (without lessening his obligation as to being jointly responsible.)

Regulated by these decisions, Prieur ought to take advantage of his right, and not apply to your excellency, asking fiscal indemnification. If it is the law of nations that the utmost protection owed to foreigners is to concede to them that which is conceded to natives, and administer to them strict justice as quickly and as impartially as to these, it is also that they ought not to complain, but be contented with being treated equally well with the natives; that they cannot pretend to any prerogatives in the proceedings, and that they are obliged to obey the law in so much as they are protected by it. Prieur, besides being a Frenchman, if he is protected in his person, property, rights, and actions, is not so protected in a distinct and privileged manner, but in the same as Peruvians themselves; and being, in the particular point, in the same condition as they according to article 3 of the treaty of December 10, 1861.

Although Prieur, to have recourse to your excellency, has viewed the robbery of his store in the light of an injury more or less proceeding from civil war, and committed by a multitude of people or a mob, the fiscal responsibility is in no respect compromised. In the republic, for natives and foreigners, the principle reigns, and has been solemnly promulgated, that the state is in no manner responsible for the payment of losses and damages occasioned by civil wars. They are accidents, misfortunes, public calamities for the persons upon whom they fall. So it was declared by the council of state in the vote with which the government agreed on the 11th September, 1834, and so it was declared in the supreme decree of the 9th of February, 1859.

The fiscal responsibility is founded upon another principle of universal justice, to wit: A government cannot be responsible when the acts that cause the injury are entirely independent of its will, and, when far from tolerating them, it tries to restrain them. And this principle, in these same words, was recognized and set down in the treaty between France and Venezuela in 1843.

In conformity with this principle, the minister of state, Mr. Rouher, denying before the French legislative body the charges made against him in the session of the 22d June, 1866, by Mr. Jules Favre, because he had not exacted effectively from the Russian government indemnification for the damages caused by a police agent to a dress-maker, Madame Masset, said: "In this little affair is involved a great international question; it is a fundamental rule in every country that the foreigner can have no more privilege than the native. I have never heard that the pecuniary responsibility of the government may be compromised by the crimes of its agents. Such responsibility has never been proclaimed in any place. In England, the minister, Lord Palmerston said, in the session of Parliament of 17th June, 1850:

"The honorable speaker (Lord Stanley) supposes that the government of the Queen has established as a principle to demand indemnity for every loss or damage suffered by English subjects in Greece or other countries, that result from tumults, riot, or similar causes. No, it is not possible to sustain that foreigners have the right, in every case, to expect indemnity from the government of the country in which they have suffered losses or injuries."

In the session of the House of Commons on the 13th of June, 1865, the same Lord Palmerston answered to another charge concerning indemnifications. "That really the English subject, Mr. Taylor, had suffered considerable losses in consequence of the unqualified acts of the liberators of Sicily; but that the chief of the ministry thought, with the lawyers of the Crown, that the Italian government was not responsible for such outrages."

The cabinet of St Petersburg, adhering completely to the principles avowed by that of Vienna, sustaining the refusal of the Duke of Tuscany to indemnify the losses suffered by the English during the pacification of Liorna, said, in the dispatch of the 2d of May, 1850, for the information of the English cabinet, "when an individual estab-

lishes himself in another than his native country, he accepts the possibility of all those dangers to which that country may be exposed. Should it be admitted as a precedent, that which England desires to establish with respect to Naples and Tuscany, it would result that British subjects in foreign countries would occupy exceptional positions, with very superior advantages to that enjoyed by the inhabitants of all other countries, and the situation of the government receiving them would be intolerable. The Emperor would see the necessity of examining and defining, in a very precise manner, the conditions under which he would concede to a British subject the privilege of residence and property-holding.

"The cause of Naples and Tuscany is that of all weak states, whose existence is only guaranteed through the maintenance of the tutelary principles which we have just cited."

The cabinet of Washington, refusing the indemnities asked by those Spanish subjects whose houses were sacked by an unbridled mob on the 24th of August, 1851, said, in a dispatch of the 13th November, "in every country, at times, mobs of the lower classes get together, and everywhere at times popular violence breaks forth, and outrages the laws and tramples upon the rights of citizens and foreigners. In such cases, public faith and national honor exact that not only those outrages should be condemned, but also that the authors or perpetrators should be punished, whenever it is possible to bring them to justice.

"The Spanish subjects who have come to this country to mingle with our citizens, have a right to the protection due to Americans. It may well be that the losses of the Spaniards are greatly to be regretted, but withal it is well known that many American citizens have suffered equal losses from the same cause, * * * and the subjects of her Catholic Majesty have no motive for complaint, if they are protected by the same laws and tribunals as the native citizens."

Many native citizens and foreigners have suffered immense losses in the United States, occasioned by the last civil war, and nevertheless the principle of fiscal non-responsibility has not been broken. Neither has it been less loyally respected there when it was favorable to other governments and not to American citizens. So it may be seen from the Attorney General holding that the United States should not exact indemnification from Spain or Chili for damages caused by the bombardment of Valparaiso, said: "The undersigned does not believe that the principle that those foreigners domiciled in belligerent countries ought to suffer the same as native citizens all the eventualities of the war has ever been seriously controverted or denied in practice."

Sustained by these reasons of universal justice and the common convenience of all states, this department has opposed every claim for illegal indemnity that has come to its knowledge. On account of all expressed in the foregoing, that which corresponds to the present case is to declare that the nation is not responsible for the payment solicited by Prieur, leaving intact his right to bring a demand in the form prescribed by the laws against whomsoever he may think proper, and that a cause shall be instituted for the robbery of the store and armory, so that the culpable parties may effectually suffer the responsibility, both civil and criminal, in all the severity prescribed by the law.

URETA.

The PRESIDENT.

Mr. Hovey to Señor Barrenechea.

LEGATION OF THE UNITED STATES,
Lima, Peru, September 30, 1868.

SIR: I was not a little surprised to see in the newspaper *Comercio* of the 14th instant, No. 9888, the official opinion of the honorable fiscal of the supreme court of Peru, Doctor Wreta, in regard to the claim of Bernard Prieur, a copy of which I have the honor to herewith inclose.

As the claim referred to was made by a subject of France, I should not, at this time, have addressed your excellency in relation to the claim of any citizen of the United States, now in this legation, against the republic of Peru; but the statements and false logic contained in the honorable fiscal's report, coming, as they have, from such high authority, alarm me for the rights of my countrymen, for, if adopted in their broad extent by your excellency's government, I am fearful that the worst of consequences may ensue to those whose claims are now in my hands.

I therefore, without waiting the action of my government, have the honor to make, informally, the following protest, or *deductions* to protect, as far as possible, the rights of all concerned.

The ability of the honorable fiscal is of the highest possible cast. He seems to be able to find a technical excuse for almost any supposable case, but can it be possible that any man or government can justify the conduct of those who perpetrated the outrages committed in Chiclayo and Lambayeque, described by Grand Marshal La Fuente

in the following manner: "A very lamentable event, and one fraught with the most unhappy circumstances for agricultural interests has occurred at Lambayeque, and throws a gloom over the epoch through which we have passed.

"Between the proprietors of the estate of Viña and the neighboring population quarrels have been constantly taking place for some time past.

"These quarrels were brought to a climax by the triumph gained in Chiclayo by the revolutionary party, and, for the moment, there was no authority at Lambayeque sufficiently powerful to cause private rights to be respected. The government immediately took measures to prevent a repetition of these occurrences, and Colonel Balta was sent to calm the excitement of the people in that section; this he did by means of his great influence, but it has been necessary to maintain in Lambayeque a force sufficient to guarantee those private rights which were so cruelly trampled upon."—(Report of Grand Marshal La Fuente, minister of the interior, to the Congress of 1868.)

The ingenuity of the honorable fiscal may be commended, but his conclusions will find no home in ethics, logic, sound policy, or the laws of nations. Indeed, in substance he ignores and denies all international claims made by domiciled citizens.

He says: "The cabinet of Washington refused to indemnify certain injuries inflicted upon Spanish subjects by an infuriated mob, in New Orleans, in 1851."

I must remark, with great deference, that he is surely mistaken. Mr. Webster, the Secretary of Foreign Affairs, may have refused; but President Fillmore, on the 14th of June, 1852, in a special message to Congress, acknowledged these claims, and recommended their payment, which was done by virtue of an act of Congress passed August 31, 1852, which reads as follows:

"It is hereby appropriated to enable the President of the United States to make compensation to the Spanish consul and other subjects of Spain residing at New Orleans, and other subjects of Spain at Key West, for losses occasioned by violence in the year 1851, arising from intelligence recently received at those places of the execution of certain persons at Havana who had recently invaded the Island of Cuba, \$25,000."

When the honorable fiscal calls Mr. Webster, great as he was, "the cabinet of Washington," I have clearly shown that he falls into an error. This same Daniel Webster claimed the Lobos Islands for the United States, yet both the President and Congress renounced the claim, and showed again the grave mistake he committed. We have many examples, in all ages and countries, that great men frequently commit not only errors but great blunders.

In the United State, which is not a centralized government like that of Peru, each town, county, or State is liable to the citizen for the damages caused to him by any mob force. Such town, county, or State are made by law corporate bodies, and can be sued in the courts of the country, and compelled to do justice. Thus the city of Louisville paid for injuries done by her mobs to the Catholics in 1858, the city of Cincinnati for damages caused by her negro riots, and the city of New York paid millions for the injuries proceeding from the draft riots which occurred during the late rebellion. Ample and complete protection to life and property is the absolute right of the citizen in every civilized nation. The government owes him this, because he, as a resident, pays to support the government. With us the doctrine is carried still further; and if a city, town, or county suffer bad roads, bad bridges, or any other nuisance to exist, and a person is injured thereby, he can bring suit and recover ample damages from the town, city, or State wherein he has been injured. This is the clear and undeniable law of the United States, and it is a perversion of logic to deny like liabilities here.

Let the distinctions I make be properly observed, and the conclusions I have drawn must inevitably follow.

The honorable fiscal further says: "Many native citizens and foreigners in the United States of America suffered immense losses occasioned by the late civil war, and, nevertheless, the principle of non-responsibility fiscal has not been broken, nor less loyally respected when it was favorable to other governments, and not to the American citizen."

I will not stop to answer this statement in detail, but I can assure your excellency that millions of dollars have been paid to native and foreign citizens in the United States for the injuries done to person and property during the late conflict. The only refusals have been to disloyal men and to rebellious States. The riots in New York in 1863 were opposed to the war, and, in substance, favorable to the States in rebellion, yet that city alone paid millions of dollars for private injuries. As to those who committed treason in the United States, the argument of the honorable fiscal is wholly foreign to the subject. The Court of Claims at Washington is almost daily giving judgment for the very class of claims of which the honorable fiscal says "the non-responsibility fiscal has not been broken."

As to the proof of these statements and payments, see acts of Congress, United States Statutes at Large, 1864, vol. xiii, pp. 148-381; acts 1865 and 1866, pp. 194-360-370; acts 1867, pp. 397-444. (The Annual American Encyclopedia for the year 1863, p. 816.)

I will now submit a few of the other facts and authorities bearing on this particular case, as adjudicated by the United States and other powers in Europe and America.

From the argument of his excellency Reverdy Johnson, now minister plenipotentiary of the United States in England, made by him as the attorney for Peru in the year 1828, I take the following extracts:

"You ask me if the United States have any claims upon the government of Peru for damages, or indemnity of any kind, for the seizure of the two vessels *Georgiana* and *Lizzie Thompson*.

"First, upon principle, irrespective of judicial or other authority, can such a claim be maintained? I am perfectly clear that it cannot, and for these, to me, very obvious and controlling reasons: Until there is a recognized change in the condition of a government, such government is responsible to foreign nations for all wrongs committed within its limits upon the persons or property of their citizens or subjects. This responsibility has more than once been asserted and enforced by the United States.

"It is no answer to such a demand that the defaulting government was willing, but unable, to afford the necessary protection. The duty to protect implies and involves the ability to protect. It is the fact, the failure to perform the duty, not the cause of the failure, that imposes the responsibility. Every government assumes upon itself the obligation to secure other governments, and their persons and property, against domestic wrongs, and is therefore responsible for all the consequences of such wrongs. If, however, there exists an insurrection or rebellion, so marked and long-continued as to probably result in general or permanent success, it is for other nations, upon their own responsibility, to decide for themselves whether they will consider the rebellious as an actual government, deal with it as such, and hold it as such to every national responsibility. Until this be done the original government is to be treated as the only government, its 'foreign relations' are to be considered as 'undisturbed,' and its 'usual commercial relations' with other nations continue as before.

"These principles are too obvious to be disputed, and they, indeed, being admitted by Mr. Secretary Cass in his letter of May 22, can there be a doubt that for any wrong perpetrated on an American citizen or his property, or upon the honor of the United States by the insurrectionary chief, *Vicaneo*, or by his orders, the *rightful government of Peru would have been liable*? If so, must it not be, is it not equally apparent, indeed is it not a consequence, that for an injury or wrong done to Peru by the United States or by her citizens under cover and through the instrumentality of the same insurrection, the United States cannot shelter themselves from the responsibility of the same insurrection?"

Mr. John Nelson, one of the greatest lawyers of the United States, and employed as attorney in this case with Mr. Johnson, by the Peruvian minister at Washington, expresses his entire concurrence with the above opinion.

Mr. J. S. Black, at that time the Attorney General of the United States, in his dictamen on the same case, fully concurs in the liability of the government of Peru to pay for injuries to private citizens.

Thus it will be seen that the eminent attorneys on both sides of this question openly and clearly admitted the obligation of a government to pay for injuries inflicted on the rights of foreign citizens.

One or two cases may more fully elucidate this point:

In the case of the United States against Palmer, (3 Wheaton, 643,) it was decided that "if the government of the Union remains neutral, but recognizes the existence of civil war, the courts of the Union cannot consider as criminal those acts of hostility which war authorizes, and which the new government may direct against its enemy."

Let me remark that my government did not, through its representative here, nor by any expression of its officers, acknowledge the existence of civil war in this country during the time of the unhappy occurrences to which I have alluded, under the late revolution of General Pedro Diez Canseco, and which gave rise to the accompanying claims. Hence the resident citizens of the United States in Peru are entitled to regard this question as though no civil war had at that time existed.

Lord Palmerston's declaration before Parliament fully answers the honorable fiscal's argument in relation to the recent bombardment of Valparaiso. The noble lord says: "It is, undoubtedly, a principle of international law, that when one government deems it right to exercise hostilities against the territory of another power, the subjects and citizens of third powers, who may happen to be resident in the place attacked, have no claim whatever upon the government which, in the exercise of its national rights, commits these acts of hostility. For instance, it was deemed necessary for us to destroy Sebastopol. There may have been in that town many Germans, Italians, Portuguese, and Americans, but none of these parties had any ground upon which to claim from the English and French governments compensation for losses sustained in consequence of these hostilities. Those who go and settle in a foreign country must abide the chances that may befall that country, and if they have any claim, it must be upon the government of the country in which they reside; but they certainly can have no claim whatever upon the government which thinks right to commit acts of hostility against that state. Therefore we were advised, and I think rightly, that British subjects in Greytown had no ground upon which they could call upon the government of this country to demand

from the government of the United States compensation for injuries which they received in the attack upon that town."

And I ask if the honorable fiscal's argument is fair or proper when applied to a civil war which did not obtain the recognition of any foreign power?

To show the importance attached by the United States to claims of similar character, and to the delay in the non-payment of the same, held justly by her citizens against foreign governments, I cite the message of President Polk, dated December 2, 1845, in which our war with Mexico is predicated on the reprehensible conduct of that country in this regard: "But though Mexico cannot complain of the United States on account of the annexation of Texas, it is to be regretted that serious causes of misunderstanding between the two governments still exist, growing out of unredressed injuries inflicted by the Mexican authorities and people on the persons and property of citizens of the United States through a long series of years. Mexico has admitted these injuries, but has neglected and refused to repair them."

"Such was the character of the wrongs, and such the insults offered to American citizens and the American flag by Mexico, in palpable violation of the laws of nations and the treaty between the two countries of April 5, 1831, that they have been repeatedly brought to the notice of Congress by my predecessors. As early as the 8th of February, 1837, the President of the United States declared in a message to Congress that 'the length of time since some of the outrages were committed, the repeated and unavailing applications for redress, the wanton character of some of the outrages upon the persons and property of our citizens, upon the officers and flag of the United States, independent of the recent insults to this government by the late extraordinary Mexican minister, would justify, in the eyes of all nations, immediate war.'

"He did not, however, recommend an immediate resort to this extreme measure, which he declared 'should not be used by just and generous nations confiding in their strength for injuries committed, if it can be avoided,' but, in a spirit of forbearance, proposed that another demand be made on Mexico for that redress which has been so long and so unjustly withheld. In these views, committees of the two houses of Congress, in reports made to their respective bodies, concurred.

"Since these proceedings more than eight years have elapsed, during which, in addition to the wrongs then complained of, others of an aggravated character have been committed on the persons and property of our citizens. A special agent was sent to Mexico in 1838, with full authority to make a full and final demand for redress. The demand was made; the Mexican government promised to repair the wrongs of which we complained, and, after much delay, a treaty of indemnity was celebrated between the two countries. * * * The claims were not paid at the due time, and Mexico applied for further indulgence, which was granted in that spirit of liberality and forbearance which has always characterized the conduct of this country towards that republic."

This was the cause of the Mexican war.

My government has carried the principle of protection so far that both houses of Congress, on two several occasions, passed acts to indemnify citizens of the United States injured by France, partly on the ground that our own government had not used sufficient energy and diligence in the prosecution of those claims against France, and that such inactivity was a stain upon the justice of our government.

(See French spoliation claims; messages of the Presidents and discussions in the Congress of the United States in the years 1846 and 1855; convention with Great Britain 4th of July, 1831, in which provisions were made for mutual claims. See amounts paid by Brazil to citizens of the United States, and treaty with Brazil in 1849; treaty with Great Britain, 1826; conventions with the same nation, 1853 and 1854; conventions with Peru in 1841 and 1863; conventions with Mexico in 1843; conventions with Portugal in 1851; conventions with Sicily in 1832; conventions with Spain in 1819; conventions with Texas 1838; all of which undeniably controvert the doctrine asserted by the honorable fiscal of the non-liability of the government of Peru for injuries done to foreign citizens.)

History is full of the liabilities of nations for wrongs done to their citizens, from the rape of the Grecian Helen to the present time. There is scarcely a quarrel or war that cannot be traced to such causes, yet the honorable fiscal says, in substance, that domiciled citizens must submit to the wrongs and outrages of the government of the country where they reside, and that such citizens "ought not to complain, but be contented with the same treatment as that accorded to natives of the country; that they cannot pretend to any prerogative in the proceedings, and that they are obliged to obey the law inasmuch as they are *protected by it*."

Let me inquire, first, whether natives of this country themselves may not be so inhumanely treated as to have the undeniable right to demand justice from the government, and, secondly, as they are obliged to obey the law, the honorable fiscal says they should be *protected by it*. This is all that we ask, *protection and justice*.

But the records in these cases now presented clearly show that an officer of the United States and several non-combatant American citizens, taking no part whatever

in the late controversies, have been most cruelly treated, and their rights most unlawfully trampled upon. I refer particularly to Consul Mountjoy at Lambayeque, whose character stands unimpeached in the eyes of my government; Consul Weile at Tumbes, though not suffering in consequence of the late revolution, was still beaten and incarcerated without justifiable cause; Mr. Alexander Ruden, whose fine cotton estate was completely destroyed; John Henness, who was severely beaten, and so injured as to lose the sight of one eye; George Hill, who was shot, robbed, and imprisoned, and remains in consequence a cripple for life; John Talbot, who received such injuries at the hands of the soldiery at Baton Grande that he fell down in the streets, and died in consequence; James Johnson and Francis Grannan, whose health from the same cause has been ruined for life, and who are in want from their incapacity to earn their daily bread; together with a number of others, whose cases I might also cite.

The honorable fiscal, quoting M. Rouher, one of the French ministers of state, where only one police officer and a dress-maker appear upon the stage, says, that he (M. Rouher) "never had heard that the pecuniary responsibility of the government could be compromised by the acts of its agents."

This is good law and logic, but I must be pardoned in supposing that there is a broad difference in a controversy between a dress-maker and an officer of police, and the overwhelming force of mobs, maddened by the passions of the hour. One case is completely in the hands of the law, while the mob rises above and defies it.

But from the honorable fiscal's stand-point, the officers and other offenders should have been punished for their crimes by the courts of the land; but I have yet to hear that a single officer, soldier, or civil authority, has been arrested and brought to punishment for any of the great crimes and misdemeanors which the Grand Marshal La Fuente, late minister of the interior, has so eloquently and so forcibly described.

I will be excused, I know, for indicating that the other cases cited by the honorable fiscal, of Taylor, injured by the liberators of Sicily, and the cases of Naples and Tuscany, will be found, when properly understood, very like that of the police agent against the dress-maker, to have little or no relevancy to the question at issue.

I have not the authorities before me, but feel well assured they cannot sanction the doctrine asserted by the honorable fiscal.

Again he says that the department under his charge "has opposed every claim for illegal indemnification that has come under its notice."

This, under the logic of the honorable fiscal, means, necessarily, all claims made by foreigners, as he denies them their legitimate rights under the laws of nations. At the bottom of all statesmanship lies the principle of simple and impartial justice, and I regret to say that I have never heard of one single report, made by the honorable fiscal, favorable to a foreigner whose rights had been injured.

The honorable fiscal, continuing, says that "it has been solemnly declared that the state is in no manner responsible for the payment of losses and damages occasioned by civil wars," and refers to the decisions of the councils of state of September 11, 1834, February 9, 1859, and other laws of Peru.

Yet it must be well known to him that many such claims have been admitted and paid by Peru since that date. He has entirely overlooked the mixed commission that met here, and adjusted many cases of that description in 1863; and that the sacking, in Callao, of establishments belonging to foreigners, by national troops, was admitted to be wrong by the late congress, and a commission appointed to adjust the claims for said injuries.

Since I have had the honor to represent my country in Peru, I have made no direct diplomatic claim against your excellency's government. Such claims should, if possible, be avoided, as they usually end in controversy, and the friendly feelings of the two countries are often weakened.

In this view I now informally present to your excellency what I believe to be the just demands of my countrymen, and sincerely hope to avoid anything like formal diplomatic claims, believing that his excellency the President of Peru will do prompt and ample justice to all who may have been unjustly wronged, and I appeal to his excellency for no other class of men.

I may be pardoned for saying that since I arrived in Peru I have been one of its firmest and best friends, not of men, but of the republic. Your excellency, and the members of the former cabinets, are aware that what I now say is the simple statement of facts. I cannot enlarge upon this point.

In this view I know his excellency the President will pardon a few plain, blunt words which are intended to benefit all concerned.

Constant practice as well as sound policy demands that damages should be promptly paid for all injuries done to foreigners by intestine commotions, because, by so doing, peace and friendship are preserved. To the people of your own country this does not apply with the like force, since it is the policy of all progressive nations to invite immigration and capital. From such resources alone can the American republics hope to become powerful and wealthy.

But the payment of the present claims of the citizens of the United States against

Peru can be urged with more force than those of any other people or nation, since, in my opinion, we have been a better and a truer friend to this republic than any other foreign nation has proved herself to be. This is no boast, but only the simple truth. But for the action of the United States, there can be no doubt that long since the Chincha Islands would have been in the hands of Spain. This is made patent by reference to the "Correspondencia Diplomática relativa a la Cuestión Española," No. 292, p. 369, and No. 293, p. 370.

The injuries received by citizens of the United States during the late struggle at Checlayo and the troubles at Lambayeque, to which I have referred are of such a character as, being ordinarily beyond the price of payment in money, would have caused immediate reprisals or war between my country and any powerful European nation.

Your excellency will observe, on reading the statements, that the injuries done to my countrymen have not been confined to private citizens only.

If your excellency will have the kindness to examine the statements and proofs impartially, I feel assured that the strong common sense of your excellency's government, and the manly, straightforward, soldier-like instincts of his excellency the President, will lead Peru to admit what I am thus painfully compelled to say.

In this country my government views every action in the most favorable light, because we sincerely hope that the republics of South America will be our sisters and our friends through all time to come.

But we must preserve and protect the rights of our citizens, otherwise our nation itself would soon lose the respect of our friends at home, and of the world abroad.

Like Rome, in ancient days, we cannot allow one lash to be unlawfully laid upon the back of an American citizen by another nation.

No nation can, at all times, control its entire people, especially when war is raging. Such command is impossible, but true policy and justice demand that those who are wronged, in such times, should be satisfied and indemnified with the least possible delay.

Should it be inconvenient at this time to pay for the said injuries in money, evidences of indebtedness, in some tangible form, might be substituted, as some of the claimants are now absolutely destitute, and delay will only add to their misfortunes.

At this time your excellency will understand that I make no formal diplomatic demand, and trust that his excellency the President will pardon any remarks that may offend, as my strong and anxious desire is to protect my countrymen, and add to the friendly relations now happily existing between our two countries.

To conclude, let me state what I believe to be the arguments, conclusions, and effects of the honorable fiscal's position, if they are carried into execution by the government of Peru.

First. All domiciled citizens of Peru are denied the right of international support.

Second. The authorities cited by him are not justified by the laws of nations, and those relating to the action and doctrines of the United States misconstrued or entirely misunderstood.

Third. The policy announced, if put into effect, would involve untold difficulties, and give pain to every true friend of your excellency's country.

Hoping that the government of Peru may see, with the views I have informally presented, both justice and policy in the immediate settlement of the inclosed claims without further diplomacy, I will say no more, but leave the whole matter in the hands of your excellency's government, trusting that I will soon be informed of a favorable adjustment of the claims of my countrymen.

I have the honor of assuring your excellency of my most distinguished consideration.

ALVIN P. HOVEY.

His Excellency Señor Dr. Don J. A. BARRENECHEA,
Minister of Foreign Affairs.

Mr. Seward to Mr. Hovey.

No. 94.]

DEPARTMENT OF STATE,
Washington, September 30, 1868.

SIR: Your dispatches of the 22d of August, No. 144, and of the 28th, No. 145, have been received. The appalling calamities which have befallen Peru, and the Spanish American republics, have deeply moved the sympathies of the President and the people of the United States. Your own proceedings, in connection with Rear-Admiral Turner, in

relieving the sufferers, are entirely approved and commended. I give you a copy of the President's reply to Mr. Garcia, in which the President has alluded to the sad events you have described.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ALVIN P. HOVEY, Esq., &c., &c., &c.

President Johnson's reply to Mr. Garcia.

MR. GARCIA: I receive with much satisfaction the letter in which the newly elected President of the republic of Peru has confirmed and sanctioned your mission in the United States, and I cordially reciprocate the fraternal sentiments which you have expressed.

While the condition of internal peace is advantageous to all states, whatever may be their form of government, that condition is essential to the safety, prosperity, and welfare of republics. I sincerely hope that the republic of Peru may henceforth be without a foreign enemy or a domestic revolution.

Mr. Garcia, we are pained by the reports which reach us of a great calamity which has fallen, not only upon Peru, but also upon the adjacent countries of the Pacific coast. It is to be hoped, indeed, that these first reports may prove to be highly exaggerated; nevertheless, the calamity, in its lightest possible aspect, is sufficiently severe to excite universal sympathy, and justly engage the charity of Christian nations.

I pray you to assure the President and people of Peru of my profound sympathy with them in these overwhelming afflictions.

SEPTEMBER 15, 1868.

Mr. Seward to Mr. Hovey.

No. 95.]

DEPARTMENT OF STATE,

Washington, October 1, 1868.

SIR: Your dispatch of the 14th of September, No. 147, has been received. It contains a very full and careful account of the devastations which were produced in the republic of Ecuador, by the terrible earthquake of the 13th of August. Losing no time in giving publicity to the painful narrative, I sincerely hope that it may excite not only the sympathies but the active charity of all the civilized nations.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ALVIN P. HOVEY, Esq., &c., &c., &c.

Mr. Seward to Mr. Hovey.

No. 97.]

DEPARTMENT OF STATE,

Washington, October 3, 1868.

SIR: I have to acknowledge the receipt of your dispatch of the 14th of September, No. 148. The President is gratified with the prospect it gives of an acceptance of the tender of the good offices of this government for the establishment of peace, between the allied republics of the Pacific coast and Spain. The friendly sentiments expressed by the President of Peru are appreciated.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ALVIN P. HOVEY, Esq., &c., &c., &c.

Mr. Hovey to Mr. Seward.

No. 153.]

LEGATION OF THE UNITED STATES,
Lima, Peru, October 14, 1868.

SIR: As a significant sign of the feelings of the politicians of Peru, I have the honor to herewith transmit the original and translation of a proposition presented in the house of deputies on the 12th October, 1868. This law was proposed by the speaker of the house, and seconded by Dr. Rafael Velarde. The first, Dr. Aviedo, is a well-known lawyer, and formerly minister of justice and of foreign affairs. The second is also a lawyer of prominence, and was one of the commissioners appointed by the Canseco government to decide upon the Callao claims.

It will be observed that this proposed law is but the sequence of the doctrines contained in the opinion of Doctor Areta, the attorney general of Peru, referred to in my dispatch No. 150, dated 30th September last.

I have the honor to be your obedient servant,

ALVIN P. HOVEY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Translation.]

PROPOSITION.

The congress of the republic of Peru, considering—

1. That the nation is not and cannot be responsible for the damages and injuries inflicted on the interest of private persons, by a force superior to it;
2. That, setting aside this principle, sustained by the principal nations, indemnification has been demanded for several foreigners;
3. That it is the duty of congress to put an end to these abuses, making the proper declaration—

The following law is declared :

ARTICLE 1. No privilege is conceded to foreigners to demand from the government of the republic, as indemnification, compensation, or any other pretext, the injuries or damages suffered by their interests in consequence of political commotions, tumults or other causes, only excepting the case where such injuries have been caused by legitimate authorities.

ART. 2. Foreigners who may be injured have their right acknowledged to take legal steps against the injurer, in all kinds of indemnity, and in conformity with common law, and in the cases prescribed by it.

Let it be communicated.

JUAN AVIEDO.
RAFAEL VELARDE.

LIMA, October 12, 1868.

(This was passed to the diplomatic committee.)

Mr. Hovey to Mr. Seward.

No. 156.]

LEGATION OF THE UNITED STATES,
Lima, Peru, October 28, 1868.

SIR: I have the honor to transmit herewith copies of a resolution of thanks passed by the Peruvian congress on the 19th instant, together with the note of his excellency the minister of foreign affairs, and my reply thereto, (inclosures Nos. 1, 2, and 3.)

The sympathy lately expressed by the journals of the United States, in relation to the sufferings caused by the late terrible earthquakes in

Peru and Ecuador, has created the warmest demonstrations of gratitude towards our country. Every article of the least importance has been translated and published in the newspapers of Peru, and it is ardently hoped that our congress may act towards this country as it did for Ireland in days gone by.

Thousands have been reduced from competency to absolute suffering, and the terrible visitation still continues in several parts of the country. In Caldera, (Chili,) and Cuzco, severe shocks were felt on the 15th instant, causing, it is said, considerable damage, but the full details have not yet been received.

Between earthquakes, yellow fever, and revolutions, Peru, for the last few years, has been sorely afflicted, and the hourly expectation of like calamities has thrown a dark shade over the country, and paralyzed its energies.

I have the honor to be your obedient servant,

ALVIN P. HOVEY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Translation.]

LIMA, October 12, 1868.

MOST EXCELLENT SIR: Congress has passed a vote of thanks to the Chilian and Bolivian nations, to the envoy extraordinary and minister plenipotentiary of the United States of America, and the chargé d'affaires of France, on account of their generous conduct towards the people residing in the south of this republic, who suffered from the effects of the earthquake of the 13th of August last; and has resolved that your excellency inform the said nations and diplomatic agents of the same.

God preserve your excellency.

ANTONIO ARENAS,
Vice-President of the Senate.

FRANCISCO CHAVEZ,
Secretary of the Senate.

JUAN OVIEDO,
President of the Chamber of Deputies.

P. BERNALES,
Deputy Secretary of the Chamber of Deputies.

His Excellency the PRESIDENT OF THE REPUBLIC.

LIMA, October 19, 1868.

Let this be fulfilled and published.
Sign manual of his excellency.

BARRENECHEA.

Señor Barrenechea to Mr. Hovey.

[Translation.]

LIMA, October 23, 1868.

SIR: I have the honor to transmit to your excellency the authentic copy of the vote of thanks passed by the national congress to the republics of Chili and Bolivia, and the representatives of the United States and France, for the generous conduct observed by them towards the people of the south of Peru who suffered the consequences of the earthquake of 13th of August last.

The celerity and zeal with which your excellency and the estimable officers of the American navy hastened to relieve the necessities of the south, in the most pressing moments, fully justify this solemn manifestation of gratitude, which causes me such pleasure and honor in communicating to your excellency.

Reiterating, on my part, in the name of the government, the assurance of the same feeling, I am your attentive and very obedient servant,

J. A. BARRENECHEA.

His Excellency General ALVIN P. HOVEY,
*Envoy Extraordinary and Minister Plenipotentiary
of the United States of America.*

Mr. Hovey to Señor Barrenechea.

LEGATION OF THE UNITED STATES,
Lima, Peru, October 28, 1868.

SIR: I have the honor and pleasure to acknowledge the receipt of your excellency's note of the 23d instant, transmitting the resolution of thanks passed by the congress of Peru on the 13th October, and for which honor I beg your excellency to convey my sincere thanks to the proper authorities.

The flattering manner in which your excellency has thought proper to allude to the action of myself and the officers of the navy of the United States gives me great pleasure. I only regret that we could not have done more at the time for suffering humanity, but ardently entertain the hope and conviction that my country and countrymen will further evince the sincere regard which they hold towards Peru.

I beg to assure your excellency of my most distinguished consideration.

ALVIN P. HOVEY.

His Excellency Señor Dr. Don J. A. BARRENECHEA,
Minister of Foreign Affairs.

Mr. Seward to Mr. Hovey.

No. 100.]

DEPARTMENT OF STATE,
Washington, November 20, 1868.

SIR: Your dispatch No. 156, of the 28th ultimo, with the copy of the resolution of thanks of the congress of Peru and of the correspondence touching the same, has been received.

It is gratifying to learn that the generous and spirited efforts of the diplomatic and naval officers of the United States in that quarter, towards the relief of the sufferings of Peruvian citizens from the effects of the late terrible earthquakes, have been thus acknowledged.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ALVIN P. HOVEY, Esq., &c., &c., &c.

PERUVIAN LEGATION.

Mr. Seward to Señor Garcia.

DEPARTMENT OF STATE,
Washington, February 21, 1868.

SIR: I have the honor to give you, for the information of the actual government of Peru, a copy of a correspondence which has recently taken place between this department and Mr. Hovey, United States minister plenipotentiary at Lima, in regard to claims of citizens of the United States arising out of the recent civil war in Peru.

I avail myself of the occasion to offer to you, sir, a renewed assurance of my high consideration.

WILLIAM H. SEWARD.

Señor Don JOSÉ ANTONIO GARCIA Y GARCIA, &c., &c., &c.

Mr. Garcia to Mr. Seward.

[Translation.]

CLARENDON HOTEL, NEW YORK,
February 27, 1868.

SIR: This evening I had the honor to receive your excellency's dispatch dated the 21st instant, which you have pleased to send, for the information of my government, copy of the correspondence exchanged between the department and the minister plenipotentiary at Lima, on the occasion of some reclamations of American citizens, originating in the last civil war of Peru.

Not having any official knowledge of the facts to which the dispatches of the said plenipotentiary, and of the consul of the United States at Lambayeque allude, I limit myself to expressing to your excellency that by the first mail I will transmit to my government the documents communicated by your excellency.

I avail of this occasion to renew to you the assurances of my high consideration, and subscribe myself, your very obedient servant,

JOSE ANTONIO GARCIA Y. GARCIA.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Señor Garcia.

DEPARTMENT OF STATE,
Washington, March 25, 1868.

SIR: This department has been furnished by Mr. Thornton, her Britannic Majesty's minister here, with a copy of a letter from S. C. Montjoy, esquire, United States consul at Lambayeque, Peru, addressed to Mr. Jorningham, British chargé d'affaires at Lima. From that communication it appears that two British subjects, named Thomas Tells and Thomas A. Batt, residing at Lambayeque, have been grievously and without provocation injured in their persons and property by the authorities there. Mr. Montjoy alleges that the persons referred to had been entirely neutral during the late revolution in that quarter.

Although it is not unlikely that this subject has already been brought to the notice of the Peruvian government, I will thank you to inform that government that, as friends of the republic of Peru, it is painful to us to receive such communications, and to express a hope that due inquiry will be made into the particular cases adverted to, with a view to such redress as the result may call for, and that all practicable efforts will be made to prevent a recurrence of such acts.

I avail myself of this occasion to offer to you, sir, a renewed assurance of my high consideration.

WILLIAM H. SEWARD.

Señor Don JOSÉ ANTONIO GARCIA Y. GARCIA, &c., &c., &c.

Mr. Seward to Señor García.

DEPARTMENT OF STATE,

Washington, March 28, 1868.

SIR: I have the honor to communicate for your information a copy of a circular of yesterday addressed by the department to ministers of the United States accredited to the governments of the several belligerents, suggesting that, preliminary to a definitive peace, a formal armistice be agreed to by Spain on the one side, and Peru, Chili, Ecuador, and Bolivia, on the other.

I avail myself of this occasion to offer to you, sir, a renewed assurance of my high consideration.

WILLIAM H. SEWARD.

Señor Don JOSÉ ANTONIO GARCIA Y. GARCIA, &c., &c., &c.

(Same to chargé d'affaires of Chili.)

Mr. García to Mr. Seward.

[Translation.]

LEGATION OF PERU,

Washington, April 1, 1868.

SIR: I have had the honor to receive the note of your excellency, in which you inform me that Mr. Thornton, her Britannic Majesty's minister to this republic, had communicated to you a copy of a letter of Mr. Mountjoy, consul of the United States at Lambayeque, addressed to Mr. Jerminham, British chargé d'affaires at Lima, from which it appears that two English citizens have been seriously injured in their persons and property by Peruvian authorities, without any provocation on their part, and who were entirely neutral in the late revolution of Peru, according to the statement of Mr. Mountjoy; and your excellency begs of me to make known to my government that that of the United States, as a friend of Peru, regrets to receive such communications, and hopes that a proper investigation will be made in the cases referred to, in order that amends may be made according as the circumstances require, and that all possible efforts be made to avoid the repetition of these occurrences.

I cherish the sincere conviction that my government, moved by the spontaneous consciousness of its own duty, admitting the truth of the acts complained of, which is not evident to me, will have ordered their judicial investigation and the conviction and punishment of the delinquents. I am likewise certain that the steps of Mr. Jerminham, with regard to acts of the nature of those referred to, as unfortunate as they can be in moments of political commotion, of which no country is exempted, will be attended to according to justice. However, I shall transmit to my government, to satisfy the wishes of your excellency, a copy of the note to which this is a reply, and I have no doubt that it will take it into due consideration.

I improve the occasion to renew to your excellency the assurances of my high consideration.

JOSÉ ANTONIO GARCIA Y GARCIA.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Señor Garcia to Mr. Seward.

[Translation.]

LEGATION OF PERU,
Washington, April 2, 1868.

SIR: I was pleased to receive, along with your attentive note of the 28th ultimo, a copy of the circular sent by your department to the ministers of the United States accredited to the governments engaged in the war of the Pacific, proposing the adoption of an armistice as a preliminary to a definitive peace between Spain and the republics of Peru, Chili, Ecuador, and Bolivia.

By yesterday's post I had the honor to transmit to my government the circular alluded to, and, while awaiting its reply, I may undertake to assure that the people and the government of Peru will duly appreciate the friendly sentiment which has inspired this new overture of peace on the part of the government of the United States.

I embrace this new opportunity to renew the assurances of my high consideration, and of the respect with which I subscribe myself

Your very attentive servant,

JOSE ANTONIO G. Y GARCIA.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Garcia to Mr. Seward.

[Translation.]

NEW YORK, April 14, 1868.

SIR: The war which the allied republics of the Pacific saw themselves compelled to declare against the government of Spain has assumed a character which can only be qualified, with propriety, as an imperfect peace. The active hostilities which terminated on the 2d of May, 1866, have been succeeded by a period of real tranquility, during which the opposing parties in the conflict, far from renewing acts of force, have visibly modified their policy and removed serious obstacles in the way of reconciliation. This is the historical period of contests between Spain and America. The capitulation of Ayacucho, signed in Peru on the 9th of December, 1824, was the starting point of forty years of imperfect peace—imperfect in form although real in feeling and in the practice of mutual relations. The 2d of May, 1866, likewise appears to be called to mark one of these characteristic terms, since it has been followed by two years of quiet which, if they do not express a covenanted cessation of hostilities, may at least be considered as years of reflection and oblivion.

The United States, in common with all other nations of the world, of their own free will deemed themselves released from all obligations of neutrality during the peace *de facto* which ensued after the war of independence between the new American republics and their mother country, and entered fully, with all of them, into the relations of a state of peace, in obedience to a sound principle of common justice and to the requirements of those great interests of the commerce and industry of the world which cannot tolerate indefinite wars.

It would have been better had no other occasion presented itself for the practice of this principle of positive consuetudinal right, for this would

have proved that there had been no renewal of those unfortunate causes which make its application indispensable. But the truth is, this has occurred, and it becomes the duty of the government of the United States to renew the declaration of that doctrine, which has already been taken into consideration by the federal Congress in a resolution now before the House of Representatives, and which essentially declares this principle.

It is publicly known that in January last the belligerent governments of Chili and Spain, through their diplomatic agents at the court of London, conjointly asked permission of her Majesty's government to remove beyond the jurisdiction of that kingdom armed vessels for the military service of both. It is also known in a reliable manner that Lord Stanley, after mature deliberation, and having consulted with the crown attorneys, who expressed the opinion that there was nothing in the case in violation of the principles nor contrary to the precedents of that government in matters of neutrality, granted their petition, notwithstanding a protest presented by the Peruvian minister, who did not deem it his duty to assent to an arrangement for which he had no authority.

This incident, which I recall not as an example of authority, but on account of the grounds which led not only to the joint action of Spain and Chili, but also to the policy of the British cabinet, amply justifies the clear and essential purpose of this communication, since it distinctly manifests that by express agreement, nay more, that by accomplished public, official acts, a stop has been put to the state of war; that the diplomatic act concluded in the office of a foreign government has expressly abrogated all the limitations imposed on non-belligerent states by the duties of neutrality; and finally, that the state of war having in this way ceased, all other governments have, although a formal peace may not have been celebrated, the right to restore both to the allied republics and to Spain the liberty of doing within their territories all such things as are lawful in the normal condition of international affairs, and for other purposes than for those of that interrupted war.

With these antecedents, which I doubt not will be accepted by your excellency as exact and conclusive, I take the liberty of asking your excellency to be pleased to inform me if, in consequence of the indefinite character which the war between the allied republics and Spain has assumed, your government considers itself with respect to said nations in the same relations as in a state of peace, and if they may, consequently, once again enter into free and unrestricted commerce with the United States without offense to their laws, which Peru with the other republics have ever observed and still propose to respect, or if you shall deem it your duty to maintain the position of a neutral, whatever time may elapse before a treaty of peace is made in the Pacific.

In view of the considerations which I have had the honor of submitting in this dispatch, I incline to believe that there can be no difficulty in your excellency's government arriving at a resolution in the former sense, for it would be but in conformity with its previous conduct, and would at once be accepted by Spain, who having *in fact* herself annulled the state of war, and being at this moment occupied in fitting iron-clad vessels in the ship-yards of other nations, could not object to it without offense to her own character, nor without presenting her own conduct in flagrant contradiction.

I avail myself of this opportunity to renew to your excellency the assurances of my distinguished consideration.

J. A. GARCIA Y. GARCIA.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Garcia to Mr. Seward.

[Translation.]

CLARENDON HOTEL,
New York, April 18, 1868.

SIR: In accordance with the announcement which I had the honor of making to your excellency in my dispatch of the 27th of February, I sent my government a copy of the correspondence between your department and the minister plenipotentiary of the United States in Lima, occasioned by certain claims of American citizens arising from the civil war which took place in Peru during the latter months of the past year of 1867.

My government, duly appreciating the high and laudable spirit of justice of which your excellency has just given a new proof in the instructions relative to these matters sent to your plenipotentiary in Lima, as well as the generous interest evinced in the stability and future of the other republican states of America, takes pleasure through me, as its organ, in acknowledging in all sincerity its gratitude to the United States. I should have performed this pleasing duty in person, by reading to your excellency a communication from the minister of foreign affairs of Peru, had it not contained another point which it will be easier and more convenient for your excellency to take into consideration, having before you said dispatch, together with the documents to which it refers, and of which I inclose authenticated copies, numbered from one to seven inclusive.

The qualification of *de facto*, given by your excellency to the government which at present rules the destinies of Peru, has not been accepted, nor can it be assented to by an administration, established and existing under the ægis of the national constitution. In the hope of rectifying the opinions which governed your excellency in forming a judgment as to the present order of things in Peru, my government submits to your excellency certain serious considerations, which present in a clear and definite manner the truth of the matter; but should they not suffice for that purpose, I shall be happy to fulfill the duty with which I have been charged of explaining the case, either by writing or at a special conference, as may be most agreeable to your excellency, and of making known to you in detail all the circumstances and legal grounds applicable to the same.

I feel persuaded, nevertheless, that new resolutions have been taken by your excellency's government, so constantly in harmony with justice and the ever-complaisant friend of Peru, which will reconcile the principles and precedents of the United States, applicable to cases differing from the one under consideration, to the titles which warrant the Peruvian government in trusting that all other nations will recognize its existence *de jure*. The renewal of the friendly offices of the United States for the settlement of peace between Peru and Spain, recently recommended by your excellency to his excellency General A. P. Hovey, bind anew direct diplomatic relations between the governments of the United States and Peru, and involves the implicit official recognition of the right with which the latter assumes, within the sphere of its legal attributes, to represent the national sovereignty, since in no other way would your excellency have drawn up initiatory propositions of peace, the acceptance of which, as well as all other international acts resulting therefrom, can have no significance either moral or political, nor be legally binding upon the Peruvian people, if the government to which your

excellency has been pleased to communicate them, in exercising the regular duties which pertain to the public power with which it is invested, be not acting with legitimate authority emanating from the constitution of the country. I therefore believe I have grounds for feeling convinced that your excellency will expressly assent to what your own course through positive acts has already signified, and that it will accordingly be unnecessary to enter into any discussion upon facts and principles which are within your excellency's knowledge.

I avail myself of this new opportunity to subscribe myself, with the highest respect, your excellency's most obedient servant,

J. A. GARCIA Y GARCIA.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Señor Polar to Señor Garcia.

[Translation.]

LIMA, March 21, 1868.

No. 23.]

SIR: I have received your note No. 37 of the 27th of February last, with the accompanying papers.

Before all, I must say to you that under date of the 18th instant General Hovey wrote to me asking leave to send me a copy of Mr. Seward's dispatch, which, I having answered him yesterday, he has this day done, not only sending a copy of the dispatch, but also of the consular protest made at Lambayeque. The notes exchanged in this matter you will find in copy herewith inclosed—Nos. 1, 2, 3, and 4.

By copy No. 4 you will see that the government of Peru has fully appreciated the conduct of the American cabinet, which, in refusing from a very justifiable spirit to authorize the presentation of claims which have not been previously qualified in Washington, in full knowledge of all the circumstances and of the persons making them, manifests that it has understood the necessity of coolly and at a distance studying matters which are not always impartially judged by a minister, however anxious he may be to keep within the limits of what is just.

As to the latter part of Mr. Seward's dispatch, referring to the general policy of the government of the Union towards the American republics, it is worthy of the eminent statesman who signed it, and to whom, perhaps, more than to any one else in that country, is due that cordiality which to-day is the distinctive character of the relations between the United States and the other republics of the continent.

With regard to the claims of American citizens, I will commence by saying that this government has no knowledge of those of Americans resident in Lima, referred to in Mr. Hovey's note; those of foreigners who suffered in Callao by the incidents of 6th November, 1865, will be laid before the next congress, in the manner shown in (copy No. 5) the agreement relative to this matter entered into with certain foreign representatives. If, for reasons with which you are acquainted, the American minister took no part in this agreement, his fellow-citizens will not on that account fail to enjoy benefits thereof from the moment in which the American government sees fit to adhere to the arrangement.

Neither does this government know of the damages which, it is said, were suffered by certain American citizens in Lambayeque; but be that as it may, the judicial power is the only one to qualify the crimes committed and the responsibilities resulting therefrom. The principal party accused, who was the sub-prefect of Lambayeque, Don José Tomas Tello, has been ordered to be tried; and, as you will see by copies Nos. 4 and 6, in the case of an English subject, who asked for indemnity, it was decided that he must make good his rights before the respective tribunal.

This government, in matters of diplomatic claims, is therefore pursuing the principles prescribed by international law—its own fundamental laws and certain resolutions which exist upon such matters.

I now pass with regret to treat of the qualification of *de facto* given by the Hon. Mr. Seward to the government at present ruling in Peru. However decided the opinion of the American government may be as to the non-recognition of governments springing from revolutions until the legalization of their acts by a congress, there is no ground for that opinion in the present case. General Canseco was by right called by the constitution to govern, after the events which resulted in the fall and expatriation of Pezet. So true is this, that, as you will see by copy No. 7, General Hovey himself, under date of 20th November, 1865, asked Don José Manuel La Puente, then minister of foreign affairs of General Canseco's government, for an audience in which to present in

person his credentials to the President of the republic. Owing to the occurrences at the end of that month, the audience did not take place, but the precedents of this recognition does not for that reason any the less exist. The legality of the government being then interrupted by the establishment of a dictatorship, which General Canseco, respecting the constitution, declined to accept, General Hovey, on being invited to recognize Colonel Prado's government, did not do so because the title of the chief of the state had been changed, as appears from the following extract from the Report of Foreign Affairs, presented to the so-called constitutional convention, (congress:)

"On the inauguration of the transitory government of General Canseco, General Alvin P. Hovey, who had arrived to succeed Mr. Robinson as envoy extraordinary and minister plenipotentiary of the United States of America, was in Lima. Both had asked for an audience to present their respective letters when the political change of the 28th of November took place. Mr. Hovey then let me know, that notwithstanding his sympathy for the new order of things, from which he hoped much for the prosperity of the country, he had doubts whether his credentials, which were addressed to the President of the Peruvian republic, could be properly presented to the chief of the nation, who had not the title of President, but that of supreme chief; that he had accordingly consulted his government on this point, and that until the latter should decide the question, he must abstain from asking to be recognized in his political character."

It will be easy for the honorable Mr. Seward to note the difference between the two cases. Whilst Colonel Prado destroyed the constitution and arrogated to himself arbitrary powers, General Canseco re-establishes the constitution, and in conformity therewith takes lawful command of the republic solely for the purpose of carrying out the prescriptions of the fundamental law, as but a few days after his return to Lima he orders popular elections.

Mr. Seward, who at a conference had with Mr. Barreda, as appears in the latter's note, number thirty-five, of the 30th May, 1866, expressed "his disgust that recourse should have been had to a dictatorship and the constitutional way been set aside," cannot but agree that the present government of Peru is absolutely not in the same position as those which may with reason be styled governments *de facto*.

You are authorized to treat with Mr. Seward on the points contained in this note, and to read and give him a copy of same should he desire it.

God preserve you.

J. M. POLAR.

The MINISTER OF PERU, in Washington.

Mr. Hovey to Señor Polar.

LEGATION OF THE UNITED STATES,
Lima, Peru, March 18, 1868.

SIR: The undersigned, envoy extraordinary and minister plenipotentiary of the United States of America near the government of the republic of Peru, has the honor to make known to his excellency the minister of foreign affairs of the government of Peru, that he has, by the last steamer from the north, received an important dispatch from his government, in which he is directed to ask leave to send a copy of the same *informally* to the *de facto* government of Peru.

Upon receiving his excellency's reply, informing the undersigned that said copy will be so accepted, the same will be immediately transmitted.

The undersigned has the honor to assure his excellency, the minister of foreign affairs, of his most distinguished consideration.

ALVIN P. HOVEY.

His Excellency Señor Dr. Don JUAN M. POLAR,
Minister of Foreign Affairs of the Government of Peru.

Señor Polar to Mr. Hovey.

[Translation.]

LIMA, March 20, 1868.

The undersigned, minister of foreign affairs of the government of Peru, has the honor to say to his excellency the envoy extraordinary and minister plenipotentiary of the United States of America, in answer to his dispatch of the 18th instant, that, without accepting in any manner the name of government *de facto*, given by the government of the United States to the government of Peru, (which I have the honor of

serving,) will be pleased to receive in the manner indicated in your excellency's dispatch, a copy of the important dispatch of Mr. Seward, the contents of which I have already had the satisfaction of learning through the representative of my government in Washington.

The undersigned takes the pleasure of reiterating to his excellency, General Hovey, the assurances of his distinguished consideration.

JUAN M. POLAR

His Excellency General ALVIN P. HOVEY,
Envoy Extraordinary and Minister Plenipotentiary of the United States.

Señor Polar to Mr. Hovey.

[Translation.]

LIMA, March 21, 1868.

Inclosed in your excellency's dispatch of to-day, I had the honor of receiving a copy of the dispatch of the honorable Mr. Seward, the one to which your excellency referred in your dispatch of the 18th instant, together with the protest of the foreign consuls, residents in Lambayeque, in reference to the incidents that took place in said province in the beginning of January.

As regards the official document of the honorable Secretary of State of the United States of America, I make known to your excellency that my government has seen in it a new proof of the spirit of justification that always emulates the American government, and that eminent statesman, whose conciliating and sagacious policy cannot but produce propitious results in the relations of both governments and countries.

Of the aforesaid protest, I deem it convenient to inform your excellency that D. Santiago Feely, a British subject, has presented, through the British legation, a document soliciting the suspension from his duties of the sub-prefect of Lambayeque, D. José Tomas Tello, and to be indemnized for damages, &c. I have the honor to inclose an authentic copy of the decree issued to that effect.

I avail this opportunity to renew to your excellency the assurances of my distinguished consideration.

JUAN MANUEL POLAR.

His Excellency the ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY
of the United States of America.

Mr. Hovey to Señor Polar.

LEGATION OF THE UNITED STATES OF AMERICA,
Lima, Peru, March 22, 1868.

SIR: I have the honor to acknowledge the receipt of your excellency's note No. 2, dated March 20, 1863, informing me that your excellency, without accepting in any manner the name of government *de facto*, given by the government of the United States to the government of Peru, will be pleased to receive the copy of the dispatch of the honorable William H. Seward, Secretary of State of the United States, (the contents of which your excellency has already had the satisfaction of learning from the representative of Peru in Washington,) in the manner indicated in my note of the 18th instant.

Your excellency will find inclosed a copy of the dispatch referred to in our communications, together with a copy of the consular protest, signed at Lambayeque.

I beg to assure your excellency that I have not the least desire to raise any questions as to the form of the existing government of Peru. Whether it be a government *de facto* or *de jure*, or both, the constitution and laws of Peru, together with the laws of nations, must decide; but your excellency will see by the inclosed dispatch that I have simply complied with my duty, by communicating with what my government is pleased to call a government *de facto*. If the government of Washington had regarded the present government of Peru as a government *de jure*, there would have been no necessity for any informal correspondence. The high estimation in which my government holds his excellency Sr. D. J. A. Garcia y Garcia, now the representative of Peru in Washington, together with the ardent desire to cultivate lasting relations of friendship between our respective governments, has been the cause of placing within his knowledge the facts contained in the said dispatch.

Hoping that such confidences may always exist between our respective governments and representatives, I have the honor to reiterate to your excellency the assurances of my most distinguished consideration.

ALVIN P. HOVEY.

His Excellency Sr. Dr. Don JUAN M. POLAR,
Minister of Foreign Affairs of the Government of Peru.

[Translation.]

LIMA, February 29, 1868.

It having been ordained by a supreme resolution of the 19th of the present, published in the official bulletin "Peruano," No. 10, that the sub-prefect of the province of Lambayeque, Sn. José Tomas Tello, be suspended from his duties and held for trial, in order to investigate the acts of which he is accused, by repeated complaints made to the government; remaining expedite the right of the applicant to place before the respective courts the accusations held in this solicitude; return this solicitude to the charge d'affaires and consul general of her Britannic Majesty, with the corresponding documents.

Rubric of his excellency,

POLAR.

Mr. Hovey to Señor Puento.

LEGATION OF THE UNITED STATES,
Lima, November 20, 1865.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States of America to the republic of Peru, has the honor to request that your excellency will appoint a time and place at which he may present his original letter of credence, in person, to his excellency the President of the republic of Peru.

An official copy of said letter of credence is herewith inclosed.

The undersigned has the honor to offer to your excellency the assurances of his most distinguished consideration.

ALVIN P. HOVEY.

DR. JOSÉ MANUEL LA PUENTO,
Minister of Foreign Affairs.

Mr. Seward to Señor Garcia.

DEPARTMENT OF STATE,
Washington, April 20, 1868.

The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of a note which bears date on the 14th instant, from Mr. J. A. Garcia y Garcia, minister plenipotentiary of the republic of Peru near this government.

In that note Mr. Garcia expresses an opinion that the war which four allied republics of the Pacific coast heretofore declared against Spain has at last assumed a character of imperfect peace.

In support of this position, Mr. Garcia observes that active hostilities between the belligerents ceased on the 2d of May, 1866, and they have not been renewed since that day. Mr. Garcia further states that it is publicly known that in January last the belligerent governments of Chili and Spain, through their diplomatic agents in London, jointly asked permission of her Majesty's government to remove beyond British jurisdiction armed vessels for the military service of both. Mr. Garcia further mentions that it is also reliably known that Lord Stanley, after mature deliberation, and having consulted with the Crown attorneys, granted the petition of those ministers, notwithstanding a protest was presented by the Peruvian minister, who did not deem it his duty to assent to an arrangement for which he had no authority.

Upon these grounds Mr. Garcia, in the name of Peru, one of the belligerent republics, asks that the government of the United States will now feel itself at liberty to make a declaration to the effect that a state of war is no longer recognized as existing between the republics of Peru, Chili, Ecuador, and Bolivia on the one part, and Spain on the other.

The undersigned has the honor to reply that the government of the United States has no official or authentic information of the proceedings to which Mr. Garcia refers as having taken place at London. This government is, on the other hand, well advised that Spain continues to

assert in a collateral correspondence with the United States of Colombia the continued existence of a state of war between herself and the heretofore allied belligerent republics. So far as is known to this government, no transaction has recently occurred within the United States by which occasion has been given to this government to make an authoritative declaration upon the question which Mr. García now submits, namely, whether the state of war between the belligerents ought to be deemed as still continuing, or whether by the intermission of mutual hostilities it is to be deemed as having come to an end. Any declaration which this government might make, under present circumstances, upon that question would be unnecessary and gratuitous, and it might ultimately prove to have been prematurely and erroneously made. The United States, constantly desirous of the establishment of perfect peace and friendly relations between the belligerents, can entertain no question presented by one belligerent without giving a hearing upon the same question to the other belligerent parties. For this reason the undersigned will think it proper to furnish a copy of this note to the Spanish government, and also to the governments of Ecuador and Chili.

The undersigned avails himself of the occasion to offer to Mr. García a renewed assurance of his high consideration.

WILLIAM H. SEWARD.

Señor Don JOSÉ ANTONIO GARCIA Y GARCIA, &c., &c., &c.

Mr. Seward to Señor Garcia.

DEPARTMENT OF STATE,

Washington, April 27, 1868.

SIR: I transmit for your information a copy of the reply* of this department to a note of Señor Don Ignacio Gomez, the minister plenipotentiary of the republic of Nicaragua, upon the subject of the good offices of the state of Central America towards putting an end to the war between Spain on the one side, and Ecuador, Peru, Bolivia, and Chili on the other.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

Señor Don JOSÉ ANTONIO GARCIA Y GARCIA, &c., &c., &c.

Señor Garcia to Mr. Seward.

[Translation.]

CLARENDON HOTEL, *New York, April 29, 1868.*

SIR: I have had the honor to receive your excellency's note of yesterday, inclosing the reply of your department to a note of Mr. Ignacio Gomez, the Nicaragua plenipotentiary, communicating to your excellency the offer of his government to intercede between the allied republics and Spain to effect a permanent peace.

The sincere and friendly interest which your excellency has ever shown for the conclusion of that war, and which you repeat in your reply, will be highly appreciated by my government.

On renewing to your excellency the assurances of my personal consideration, I subscribe myself your attentive servant,

JOSÉ ANTONIO G. Y GARCIA.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

* For this inclosure see page 646.

Señor Garcia to Mr. Seward.

[Translation.]

CLARENDON HOTEL, *New York, May 8, 1868.*

SIR: I have had the honor of receiving your excellency's note, bearing date 20th ultimo, in which you are pleased to reply to my communication of 14th of same month, stating that any declaration your government might make, under present circumstances, upon the question of neutrality, would be unnecessary and gratuitous, and might ultimately prove to have been prematurely and erroneously made.

Referring to some of the considerations submitted by me, your excellency bases your conclusions upon the ground that the government of the United States has no official or authentic information of the arrangement made in London between Spain and Chili for the removal of armed vessels of both nations, while on the other hand your government knows that Spain continues to assert, in a correspondence with the United States of Colombia, the existence of a state of war between herself and the allied republics. Your excellency also adds that no transaction has recently occurred within the United States, giving occasion to your government to make an authoritative declaration as to whether such state of war ought to be deemed as still continuing, or whether by the intermission of neutral hostilities it is to be deemed as having come to an end.

Although the object of my communication of 14th ultimo is evident, your excellency will permit me to explain it fully. Peru having, as your excellency knows, interests of great value on her coasts, and islands to watch over and protect, was desirous of obtaining some vessels of war with which to augment her standing squadron, without special reference to the interruption in her relations with Spain, and for that purpose found a very favorable occasion in the public offer made by the Secretary of the Navy of this country for the sale of a large number of vessels. That a formal state of war no longer exists between the allied republics and Spain, but, on the contrary, a condition of imperfect peace, has been expressly recognized by other nations which, in their relations with them, have resumed the normal condition of affairs, and this proof would have been enough to persuade Peru that she might freely equip and remove from beyond the jurisdiction of this country such vessels as she may have engaged, had not the profound respect she has ever paid to the laws of other nations, and the particular friendship and high consideration she entertains for the United States, impelled her to seek from your excellency a declaration deliberately and explicitly releasing yourself from all obligations of a neutrality inconsistent with the existing state of affairs before carrying into effect her intention of sending to Peru the vessels which she has acquired, and which she will certainly defer doing until the declaration asked for shall have been made, or the consent of the government of the United States been given. Such is her firm resolution with due regard to the position assumed by the United States, whose strict neutrality commenced twenty months prior to the formal declaration of war, and is still continued two years after the cessation of hostilities. In the years 1865 and 1866, Peru obtained in France and England, with the knowledge of their respective governments, the vessels which she sent for to the United States, but whose neutrality would not permit her to secure, and, in 1868, Chili and Spain have obtained like benefits, undoubtedly because the present situation has been deemed identical with the former.

The example which I had the pleasure of recalling to your excellency's mind, of the conduct observed by the United States and other powers subsequent to the war of independence between Spain and the new American republics, is so analogous to the events of the present time, and its significance so great, that the necessity of putting an immediate stop to the obligations of neutrality in consonance with the *de facto* cessation of war, can only be ignored by condemning the five nations involved in the Pacific difficulties, and the neutral states to which they are bound by the ties of commerce and industry, to all the restrictions of a state of war which does not exist, and for an indefinite period which an unhappy precedent might prolong to another forty years. When the new American republics triumphed over their adversary, obliging her to abandon the continent of America, in 1824 and 1826, not only were they recognized by the United States, Great Britain, and other nations, but they at once found all markets open to them for the purchase of vessels, armaments, and whatever else they needed, notwithstanding they had made no treaty with Spain, and in spite of the latter's persisting in defending as natural her right to reconquer her lost colonies. The policy which inspired such a course was prudent, humanizing, and productive of great good to civilization, and it is to-day demanded by the same great interests suffering from a similar state of affairs.

Differing from the past, there now exists in support of my opinion the agreement made in London between Spain and Chili for the removal of their war vessels, which clearly and of right annuls the state of war. Your excellency has, nevertheless, not taken that significant event into serious consideration, because, as you are pleased to say, it is not known to your government in an official or authentic manner.

A fact so notorious, the publicity of which commenced in the British Parliament, and which has been repeated by the press throughout the world, would of itself place beyond doubt the truth of its existence; but your excellency has, in the United States legation at London, the sure means of acquiring that information which may also be obtained from the representatives of Spain and Chili in Washington, and of the truth of which I now formally assure your excellency. I permit myself to insist on this point, as it shows that the wishes of my government are in strict conformity with the conduct of Chili and Spain, and that it is due to justice to acknowledge that in seeking to increase their respective navies, which during the past four years have suffered considerably, all are yielding to the same peaceful inspirations, and to the same motives of convenience, and the requirements of their home service.

It would not be just to deem an act of Peru vituperable, which has a precedent in the doings of the other two nations, when they declare that what they do is in the exercise of a perfect right. The acts being identical, it is in the nature of things to qualify them alike; it cannot be wrong for Peru to acquire vessels in the United States, and right and praiseworthy for Spain and Chili to obtain them in England.

The fact of Spain's continuing to assert in a collateral correspondence with the United States of Colombia the existence of a state of war, cannot be a reason to guide the government of the United States in its resolutions. That fact, if it proves anything, shows an open contradiction in the conduct of Spain. To ask from the British government, conjointly with one of the republics allied against her, permission to remove armed vessels, allowable by international law only in time of peace, and to assure another government, in furtherance of different interests, that a state of war still exists, your excellency will permit me to say, is, at least, not logical. Moreover, a state of war cannot be maintained by mere

written declarations. Should so absurd a doctrine be recognized, smaller powers unable to carry on an effective war against strong nations, or the latter, should they wish not to waste their time and means in fighting weaker countries, would prefer to carry on a paper war, as being both easier and cheaper than those which are settled by arms, as well as more disastrous to the commerce and industry of the world. For the simple act of hostility, termed a blockade, the law of nations requires the employment of an effective force sufficient to keep the ports closed: with how much more reason, then, should it be claimed, as but just, and as demanded by common sense and the requirements of other countries whose interests suffer so greatly by the ravages of international wars, that all hostilities should also be effective, so that they may be brought to a speedy termination, and not mere written manifestations, which would make wars all the more lasting and disastrous according to the obstinacy of the belligerents, or of the one who had the least to lose in the struggle.

Nor is the London agreement the only act which proves the cessation of a state of war. The acknowledgment of such cessation is also found in public official acts done in the United States by the agents of Spain, acquiesced in by the national authorities, and not objected to by the allied republics. The Spanish war vessel *Gerona* arrived in this port in the beginning of the present month, and after exchanging salutes with the forts of this harbor, took out her guns, entered a dock, repaired her bottom, painted her hull, and examined her machinery, &c. The iron-clad *Tetuan* is now en route for this port for like repairs. A manufacturer in the State of New York is manufacturing arms for Spain, and is to-day preparing forty thousand of Bordeaux rifles for the military service of that nation. None of these acts would be lawful if it were deemed that a state of war exists. When the Spanish frigates *Carmen* and *Isabel la Catolica* arrived at this port for repairs early in 1866, I announced to your excellency, in compliance with my duty, that war had broken out between the allied republics and Spain, and solicited from you a declaration of neutrality. Your excellency was pleased to make such declaration, and the above-mentioned vessels left New York without doing that for which they came, notwithstanding the statement published in the newspaper, which serves as the organ of Spain here, that the free use of the Brooklyn navy yard had been tendered to them. But now the allies have neither protested, nor has the government of the United States of its own motion prevented an act which international law forbids a belligerent's doing within neutral territory. Thus perfectly have all coincided in their estimate of the actual condition of things, and which it would be necessary to invest with characters it does not possess, to qualify in any other way than that of an imperfect peace.

If for want of any preceding act the government of your excellency has hitherto found no occasion for the declaration which I asked for, as to the suspension of neutrality, the present offers one worthy of all consideration. It will serve not to define past occurrences, but to authorize future doings, permitting Peru to equip and remove from within the jurisdiction of this republic, for her service, two vessels which she will otherwise keep in your waters until she can lawfully send them away without offense to your laws. Peru has no intention of changing the existing condition of affairs in her relations with Spain by renewing hostilities to which she may not be directly provoked, and much less does she propose to attack or invade the colonies of that nation. In completing her fortifications on land, and her naval defenses, she has no special view as to the war with Spain nor any other power. Taught by the events of the past, she merely wishes to supply herself with all the

means which a nation should possess, at the present time, in order to make her autonomy and her rights respected, as an independent nation, against any unjust aggressor who may attempt to attack them.

These declarations, which your excellency should accept upon the faith of my government, furnish the most ample security as to the use which it proposes to make of the military elements it now possesses within its own territory, and of those it has subsequently sought in this and other countries.

If, in order to accede to the request which I have thus expressed, it should be necessary to give you a positive promise that the vessels which leave the United States will go direct to Peru, without attacking or in any way molesting those of other nations, without any exception whatever, and without injuring or threatening their possessions, I thereunto pledge the honor of the government of Peru to that of the United States.

I avail myself with great satisfaction of this opportunity to renew to your excellency the assurances of the high respect and esteem with which I subscribe myself your excellency's most obedient servant.

JOSE ANTONIO G. Y GARCIA.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Senor Garcia to Mr. Seward.

[Translation.]

CLARENDON HOTEL,
New York, July 28, 1868.

SIR: Complying with your excellency's desire, it affords me pleasure to resume in this communication the subject of which we treated in our interview of the 10th instant, and, for this purpose, to submit to your excellency's impartial judgment a few more considerations which I deem it not amiss to recall to your mind, in view of the importance of the matter which has occasioned this correspondence.

I had the honor to inform your excellency in my note of 8th May last, that Peru had purchased two monitors in this republic, and that in the exercise of what, in the actual condition of her international relations, she deems a perfect right, and with the consent of your excellency's government, she proposes to send those vessels to the Pacific.

Pending the receipt of a definite answer to that communication from the Department of State, I have received especial instructions to carry the aforesaid purpose into effect, the favorable season for the navigation of those vessels being close at hand, and for that purpose, as I explained to your excellency at the interview already referred to, to solicit the previous and explicit consent of the United States government, which is now free to grant such permission, inasmuch as all obligations of neutrality have ceased with the interruption or cessation of hostilities in the war on the Pacific.

The only cause which could now in any way abridge the right of Peru freely to procure naval armaments in this or any other country would be the existence of an effective state of war identical to that in which said republic and Spain were placed by the official declaration made at Lima on the 14th January, 1866, and which terminated on the 2d of May, of the same year, with the signal victory of the Peruvian arms, which compelled the naval forces of Spain not only to abandon the Pacific Ocean, but also to desist from every military operation or any subsequent act of hostility against the four nations allied for the common

defense. That situation has remained unchanged for the last two and a half years, and so notable a circumstance would of itself suffice to prove that at present a state of war exists but nominally, and that all other nations, therefore, are authorized to consider it as terminated so long as the belligerents do not renew it by continued and effective acts of war, were there not in addition thereto innumerable other acts of deep significance performed indiscriminately by the various parties engaged in the quarrel, and even by other nations having relations with them, to confirm in an irrefutable manner the truth of that situation.

Your excellency will recollect that on the defeat of the Spanish squadron in the waters of Callao they at first sought neutral ports, and then those of their own country, in various divisions and distinct routes, to repair the disasters of that engagement. Two and a half years should have sufficed for that purpose or to send a new expedition to carry on the campaign, had the Spanish government, taught by its recent experience, not formed the deliberate intention of considering as terminated by that deed of arms all the unhappy projects which had sent its flag to South America. The complete inactivity maintained by Spain since that memorable event, the unequivocal evidence which she has on different occasions given of her desire to settle her differences with the allied republics by means of treaties rather than by arms, her abdication of the rules of war, of which I have spoken to your excellency in previous dispatches, by entering into an agreement at London with one of her adversaries for the removal of armed vessels of both nations from British ship-yards, the use which she officially asked and obtained of both private and naval docks and ship-yards in the United States, in which to repair the frigate Gerona and the iron-clad Tetuan, restoring their offensive powers and consequently fitting them for the services and fatigues of a campaign, acts in open contradiction to the principles of international law, and which your excellency's government would certainly not have permitted had Spain recognized the existence of an effectual state of war between herself and the allies of the Pacific, and, finally, the respect paid by her vessels of war, at present stationed on the coasts of Colombia, to the flag of one of the allied republics, under which two sailing vessels are now not only passing them almost daily, but on one occasion, while engaged in matters of commerce, received assistance from the said Spanish steamers, having been towed by them; all these confirm the belief that in abandoning active hostilities, Spain, who was the aggressor, has renounced the rights of an effectual state of war, and consequently relieved all other nations from the obligations of a neutrality which, under existing circumstances, is purposeless.

That the allied republics, comprehending the position in which Spain was placed by the battles and obstacles she encountered in the Pacific, have accepted her withdrawal, and the attitude at present maintained by her, as an implicit desistance from war, is confirmed by numerous acts. To them the situation is plain; war exists in principle, and so long as a solemn treaty of peace is not entered into may be renewed at any moment; but *de facto* it has ceased, and all of them respect the actual condition of affairs in consideration of their true interests and of the upright intentions which animate them. Thus, Chili entered into the agreement at London, already commented on by me, took out two iron-clad corvettes in May last, and is now building a monitor at the same place. The President of that republic, in his last message to the national congress, states that the extraordinary powers conferred upon him to carry on the war with Spain are now no longer necessary, and asks that they may be annulled, inasmuch as that war has ceased in fact,

and there is no reason to fear its renewal. Animated by the same conviction, that government, with the Peruvian, have dissolved the allied squadron, and both countries have suppressed the command in general, and the naval divisions of a state of war, and their vessels have returned to their ordinary stations. Nothing of this would have occurred, especially when it would have been so easy for them with their iron-clads to attack and destroy the wooden vessels which Spain has at the Philippines and on the eastern coast of South America, as also to prey upon Spanish commerce by means of privateers. Nor would the return of the exiled Spaniards to the territory of those republics have been allowed had the actual condition of affairs been otherwise considered by them, and were they not animated with the sincere desire to alter it in no way on their part unless provoked thereto by new aggressions, or unless unhappy causes should occur to render it unavoidable.

The situation created by the nature and incidents of the war, and by the temporary difficulties which have hitherto prevented an understanding by which to arrive at a solution of this question, constitutes an anomalous state which, in principle, is evidently one of war for the belligerents, although it be in fact an uncovenanted truce or a *de facto* peace, which they alone have the right to change into a new war by the simple renewal of hostilities and prior notification thereof; but so long as this does not take place, all authorities on the law of nations restore to other states, in view of the existing order of affairs, full liberty to exercise all those rights which are abridged or limited by an actual war.

Hautefeuille's opinion, by its precision and truth, is decisive on this point. "The duties," he says, "imposed on neutral nations by a state of war, refer expressly and essentially to that state. Whenever, for any reason, this ceases, although it be but temporarily, the duties of neutrals likewise cease, and peace, so far as they are concerned, is perfectly re-established during the suspension of arms. They then recover all rights which had been modified by war, and may exercise them during the time fixed for the duration of the truce, if such term has been fixed by agreement, or until the renewal of hostilities shall have been officially notified to them, if the suspension of arms has been indefinite."

On the other hand, the celebration of treaties is not an essential condition of peace. War may terminate by the mere suspension of all acts of force, and this offers to neutrals the same guarantees and assures to them the same rights which they could derive from the stipulation of an express covenant. Pinheiro-Ferreira, although he does not elucidate this doctrine, recognizes it in these words: "It is seldom that war terminates with the mere cessation of hostilities. There is ordinarily a covenant, more or less express, which constitutes the treaty of peace." Heffter, a very respectable authority among writers of international law, puts forth this doctrine: "That belligerents are not obliged to put an end to hostilities by means of formal conventions, although custom and expediency may counsel such proceeding;" and he adds, "they may, on the contrary, by a sort of tacit agreement, suspend hostilities and re-establish reciprocal relations of friendship, in which case no third power is allowed to act as if hostilities were continued."

"The *statu quo* accepted by the belligerents on the suspension of hostilities will naturally serve, in such a case, as the basis for the re-establishment of the relations of peace."

This opinion is corroborated by the example, given by Von Steck, of the war between Sweden and Poland, which terminated *de facto* with the cessation of hostilities in 1716, although the *de jure* restoration of

peace was not recognized until ten years later, by letters mutually exchanged between the sovereigns of both countries. The prolonged and bloody struggles between Spain and the new American republics, although decided on many a battle-field between 1809 and 1826, have only been slowly and gradually settled by written treaties during the course of forty years, and two of said republics are this day, after the expiration of half a century, still in a state of *de facto* or imperfect peace, never having settled by treaty the condition of their relations with the mother country. The war entered into under the name of Italian unity, between that kingdom and the Pontifical States, in which the former by force of arms took possession of some important provinces of the Holy See, has, notwithstanding the lapse of years, never been brought to a close by any treaty between the sovereigns of the two nations; the ravages of the invasion ceased by means of treaties celebrated with a third power clothed with the protectorate of those states. Lastly, the invasion of Mexico by the joint armies of England, Spain, and France, and the persistent intervention of the latter in the internal affairs of that republic, present the most decisive example in confirmation of the principle which I have laid before your excellency. Those doings gave rise to a formal and positive state of war between Mexico and the three nations aforementioned, which was recognized by the United States as well as by other impartial governments, and which imposed upon them the duties consequent to that situation. The contest terminated by the withdrawal of some of the invaders, and the expulsion of the others. No treaty has been celebrated between the late belligerents; the interruption of all official intercourse between them still exists, and, notwithstanding this, the war is considered as *de facto* terminated, and all obstacles, political, commercial, and otherwise, incident to that abnormal state of affairs, have been voluntarily removed by the United States, as also by all other nations similarly situated.

The actual state of affairs, when notoriously established, is the only rule by which, in view of a strife between two or more nations, to define the position which of right belongs to non-belligerent powers. It is the only possible guide—the only legitimate one—when treating of so sad and disastrous an event as war. Those belligerents which, from impotency, exhaustion, or for any other reason, cannot or do not wish to continue hostilities, have no right to impose upon other nations, to the interests, the restrictions and burdens of a situation which they themselves have abandoned.

The contrary doctrine would give a nominal or paper war, so far as neutrals were concerned, all the rigors of a struggle in which victory is purchased with the blood of the belligerents. But, fortunately, this is not the case. Common reason, the law of nations, and the practise of all enlightened governments have marked out a very clear line of conduct for neutrals. Whenever a political or military act is evident, they have the right to proclaim it so, and to act accordingly; the rule of their action depends therefore upon the doings or in the attitude of the belligerents. To recognize a fact is but to declare the truth as it exists, and this is not only a right but an imperative duty, which on the other hand cannot in the least affect the position nor the rights of the disagreeing parties.

The annals of diplomacy furnish striking examples, which by analogy completely illustrate the present case. Queen Elizabeth recognized the independence of the Netherlands, who revolted against Spain in the sixteenth century, and England entered into a treaty in 1585 with the United Provinces, in spite of the protests of Spain, upon the ground,

aside from the reasons of convenience, that the independence of said provinces was an accomplished fact.

In answer to the representations made by England against the recognition of the independence of the United States by France, the latter, among other considerations, stated "that her declaration to the court of London, dated 14th of March, 1778, concerning that recognition, was based on the unanswerable fact that the Americans were in possession of their independence when the treaties of alliance and commerce were concluded on the 6th of February, 1778, and that according to the equally unanswerable doctrines of public law, that fact was sufficient to justify the King's entering into his engagements without examining the question of the legality of that independence." "That is sufficient for his Majesty's justification that the colonies, which by their population and the extent of their territory formed a considerable nation, had established their independence, not only by solemn declaration but also in fact, and that they had maintained it against all the efforts of England, and such was the position of the United States when the King negotiated with them."

Speaking of the desolating and unfruitful war maintained by Spain against her former colonies in America, and initiating the recognition of their sovereignty, the President, James Monroe, in a special message to the Congress of the United States, dated 8th March, 1822, said as follows:

For the last three years the government of Spain has not sent a single corps of troops to any part of that country, nor is there any reason to believe it will send any in future. Thus it is manifest that all those provinces are not only in the full enjoyment of their independence, but, considering the state of the war and other circumstances, that there is not the most remote prospect of their being deprived of it.

When we regard, then, the great length of time which this war has been prosecuted, the complete success which has attended it in favor of the provinces, the present condition of the parties, and the utter inability of Spain to produce any change in it, we are compelled to conclude that its fate is settled, and that the provinces which have declared their independence, and are in the enjoyment of it, ought to be recognized.

In proposing this measure, it is not contemplated to change thereby, in the slightest manner, our friendly relations with either of the parties, but to observe in all respects, as heretofore, should the war be continued, the most perfect neutrality between them. * * * The measure is proposed under a thorough conviction that it is in strict accord with the law of nations; that it is just and right to the parties; and that the United States owe it to their station and character in the world, as well as to their essential interests, to adopt it.

The Committee on Foreign Affairs of the House of Representatives, through Mr. Russell, presented to that same Congress, on the 19th of March, a very luminous report which, among other doctrines, contained the following:

The political right of this nation (United States) to acknowledge their independence, without offending others, does not depend on its justice, but on its actual establishment. To justify such a recognition by us, it is necessary only to show, as is already sufficiently shown, that the people of Spanish America are, within their respective limits, exclusively sovereign, and thus in fact independent. * * * Whatever may be the policy of Spain, however, in respect to her former American colonies, our recognition of their independence can neither affect her rights nor impair her means in the accomplishment of that policy. We cannot for this body be justly accused of aiding in the attainment of an independence which has already been established without our assistance. Besides, our recognition must necessarily be co-existent with the fact on which it is founded and cannot survive it. While the nations of Spanish America are actually independent, it is simply to speak the truth to acknowledge them to be so. * * Should Spain, contrary to her avowed principles and acknowledged interests, renew the war for the conquest of South America we shall indeed regret it; but we shall observe, as we have done between the independent parties, an honest and strict neutrality. But, on the other hand, should Spain, faithful to her own glory and prosperity, consent that her offspring in the New World should enjoy the right of self-government equally with their brethren in the Old, we shall sincerely rejoice; and we shall cherish with equal satisfaction, and cultivate with equal assiduity, the friendship of regenerated Spain and of emancipated America.

There is, therefore, in the matter of which I treat, the most complete harmony between the recognized rules of the law of nations and the practices observed by the most cultivated peoples between the suggestions of an enlightened reason and the precedents which the traditional policy of numerous governments have converted into precepts of positive right. That doctrine may be summed up in these two principles: a war may terminate not only by means of treaties, but also *de facto* by the cessation of hostilities, and, in the latter case, although the belligerents have the right to renew it, all restrictions and the obligations of neutrality cease, who are *de facto* restored to the relations of a state of peace with the former, so long as the situation is not changed by formal and effective acts of force previously announced to other nations; the actual recognized state of affairs, be it in treating of the cessation of a war, or the struggles of a people seeking to achieve or recover their independence, or, finally, of any international situation not clearly established by express treaties, fully and legitimately authorizes all other nations at once to resume every right which may have been abridged by war, without, in so doing, in any manner qualifying the motives or controverted rights of the belligerents.

The application of these rules, which your excellency will find in conformity with the principles of your government and the laws of this great nation, and in harmony with the just demands of the law of nations and universal interests, is obvious and conclusive in the present position of the United States with regard to the interrupted or *de facto* terminated war between Spain and the allied republics, and decides in a manner satisfactory both to your excellency's government and to that which I have the honor of representing, the pending question of the speedy departure for the Pacific of the Peruvian monitors, at present lying in the port of New Orleans. I believe myself authorized to trust that your excellency, giving immediate attention to this matter, will be pleased to decide it in the favorable manner warranted as well by the incontrovertible right of my government to solicit permission to take out those vessels, as by that of the United States to grant it.

The foregoing would undoubtedly suffice for the end in view, when addressing an upright and enlightened government, such as that of your excellency's; but the government of Peru voluntarily and deliberately desires to offer to yours the most perfect security as to the rectitude of its intentions in sending those vessels to the coasts of the republic, and for that purpose has instructed me to reiterate expressly in its name, to the United States government, the formal promise that the monitors will leave for the Pacific without attacking or in any way molesting any vessels or possessions of Spain, and without committing any act of hostility, directly or indirectly, against the flag of that nation, either at sea or on land, to which they may not be provoked. The honor of the Peruvian government, I again repeat on this occasion, guarantees to your excellency the strict fulfillment of this solemn promise.

Trusting that this dispatch, which the gravity and great importance of the matter have made too long, will merit the favorable reception which my government has well-founded reasons for expecting will be given by that of your excellency's to the subject which has occasioned it, I have the honor of subscribing myself, with the highest consideration, your excellency's most humble and obedient servant,

JOSE ANTONIO G. Y GARCIA.

HON. WILLIAM H. SEWARD, &c., &c., &c.

Señor Garcia to Mr. Seward.

[Translation.]

WASHINGTON, *September 7, 1868.*

MR. SECRETARY: I am pleased to inform you that his excellency Don José Balta assumed the presidency of Peru on the 2d of August last, constitutionally elected to that important position by the national will, and that he has formed his cabinet of the following persons: Doctor Don Pedro Galvez, president of the council of ministers, minister of government, police, and public works; Doctor Don José Antonio Barenchea, minister of foreign affairs; Doctor Don Luciano Benjamin Cisneros, minister of justice, public instruction, beneficence, and worship; Colonel Don Juan Francisco Balta, minister of war and marine; and Doctor Don Francisco Garcia Calderon, minister of finance and commerce.

The new government of Peru is formed of men who are distinguished for their patriotism and intelligence, and I can assure you that the international policy of the new administration will continue to be just and courteous in its relations with other governments; and that the nation which I have the honor to represent will make it a special duty to cultivate and strengthen its present friendliness with the government of the United States.

I repeat the assurance of my distinguished consideration,

JOSE ANTONIO G. Y GARCIA.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Señor Garcia.

DEPARTMENT OF STATE,

Washington, September 8, 1868.

SIR: I have the honor to acknowledge the receipt of your note of the 7th instant, in which you inform me that his excellency Don José Balta assumed the presidency of Peru on the 2d of August last, having been constitutionally elected to that important position by the national will. By dispatches received at this department, I have been advised that Mr. Hovey, United States minister to that republic, having been so directed, already formally recognized the new government. His proceedings have been approved.

I am glad to learn that peace is now prevailing in Peru, and that the new administration seems to be well established. I sincerely trust that that interesting and friendly republic may continue to enjoy the benefits of internal tranquillity and wise administration.

I avail myself of this occasion to renew to you the assurance of my high consideration.

WILLIAM H. SEWARD.

Señor Don JOSÉ ANTONIO GARCIA Y GARCIA, &c., &c., &c.

Señor Garcia to Mr. Seward.

[Translation.]

CLARENDON HOTEL,
New York, September 10, 1868.

SIR: Having been honored by your excellency at our interview of the 8th instant with the official notification that Peru is at liberty to remove her vessels of war from within the jurisdiction of the United States without restrictions or conditions of any kind, I deem it my duty to anticipate the expression of the high esteem and satisfaction with which my government will receive this new proof of consideration which the United States government has been pleased to extend to it, by thus giving deserved attention to the important case which was the object of my endeavors with your excellency, and by deciding it in accordance with the rights of Peru. Great is the honor cast upon your excellency's government by this transcendental act, destined as it is, from its nature, to strengthen the authority of really sound principles of the law of nations, and to invigorate and give renewed impulse to those valuable commercial and industrial interests of the American people which a vague and uncertain situation was seriously compromising.

In accordance with your excellency's suggestion, I conferred on the same day, the 8th instant, with the Hon. Secretary of the Treasury and with the Assistant Secretary of the Navy as to the instructions to be communicated to the collector of customs and to the commanding officers of the navy yard and forts of New Orleans, and I had the satisfaction of learning the tenor of the orders sent to those officials.

Tendering to your excellency on this occasion the assurances of my personal gratitude, I have the honor of subscribing myself your excellency's most obedient servant,

J. A. GARCIA Y GARCIA.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Señor Garcia to Mr. Seward.

[Translation.]

CLARENDON HOTEL, *New York, October 12, 1868.*

SIR: In compliance with your excellency's wishes, I commit to this dispatch the information which, by express order of my government, I had the honor of communicating to your excellency at our interview of the 8th instant.

Your excellency is acquainted with the causes of various kinds which have until now delayed an agreement on the part of the allied republics of the Pacific, with regard to the various propositions of meditation and good offices, which mutual friends of the belligerent governments, for the sake of peace, and animated by a feeling of deference and special kindness, have been pleased to tender. Those causes being removed, and the initiatory having been taken by Ecuador, by sending her plenipotentiary Señor Antonio Flores on a special mission to Lima for the purpose of seeking a way for the re-establishment of commercial relations with Spain, two of the allied governments, those of Peru and Ecuador, have freely and explicitly accepted the opening of negotiations suggested by your excellency's note, bearing date the 27th of March last.

The representative of Bolivia has also joined in that action, subject to the final decision of his government, and there is no reason for doubting that Chili will shortly accede to the views of the majority of her allies. To this end Peru has addressed a special communication to her government, and the plenipotentiary of Ecuador was to start immediately for Santiago.

The annexed protocol of the conference held in Lima on the first day of the month of September last, by the diplomatic representatives of the four allied republics, will inform your excellency, in a correct manner, of the course of this negotiation and the favorable aspect which it bears for the plan proposed by your excellency.

I have the honor of subscribing myself, with the highest consideration, your excellency's most obedient servant,

J. A. GARCIA Y GARCIA.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

[Translation.]

Protocol of the conference held September 1, 1868.

There met in the office of the minister of foreign affairs of Peru, at 2 o'clock p. m., the undersigned, José Antonio Barrenechea, minister of foreign affairs, Juan de la Cruz Benavente, envoy extraordinary and minister plenipotentiary of Bolivia, Antonio Flores, envoy extraordinary and minister plenipotentiary of Ecuador, and Joaquin Godoy, chargé d'affaires of Chili. After the reading of the protocol of the conference of 19th August last, the minister of foreign affairs called to mind the fact that the adjourned meeting which was to have been held on the 22d of that month did not take place, owing to the delicate attention of Mr. Benavente, who, through his secretary, had expressed his opinion that he did not think it becoming to hold the conference at a time when the government had just received news of the destruction occasioned by the late earthquake, and was preparing to remedy the evil so far as possible.

He then went on to explain that the object of this meeting was to discuss the propriety of giving an answer to the proposal of mediation made by the government of the United States.

The minister plenipotentiary of Ecuador observed that the undersigned should endeavor to come to an understanding as to the necessity of putting an end to the actual condition of our relations with Spain, and as to the means to be employed for that purpose, and that the protocol of the conference held by him with his excellency Mr. Barrenechea on the 18th of August might be adopted as the starting point for the discussion.

This suggestion having been accepted by Mr. Barrenechea, he read the protocol, and inquired what, in the opinion of the gentlemen present, was the way of attaining the end proposed, all present having recognized the necessity thereof.

Mr. Flores replied that his determination to accept, in behalf of the government of Ecuador, whatever way the other allies might deem proper, was already known.

Mr. Godoy stated that his government's opinion is expressed in the note of 26th of March, addressed to that of Peru, giving its reasons for preferring the proposition for an indefinite truce made by France and England, to that of the United States for mediation, which was then pending and referred to in a communication of Mr. Kilpatrick, annexed to the note of 26th March; that before giving a definite reply to the mediatory powers, it was necessary for the allies to communicate with each other the conclusions they might have arrived at as to the various propositions for an arrangement, in order to come to some determination; that the government of Chili, with that object in view, had made a frank exposition of its opinion and of the grounds upon which it was based; that the government of Bolivia, duly appreciating the reasons given, had expressed itself as agreeing in opinion with the government of Chili; that he thought the government of Ecuador, in view of its determination to accede to whatever the other allies might resolve, would not opine differently; and that, consequently, the agreement might be unanimous, and an indefinite truce decisively resolved upon, if the government of Peru had not reasons for thinking in a different manner.

Mr. Flores remarked that his government did not wish to stand in the way of any resolution of the allied governments, and would subscribe to any agreement, provided it be conducive to the re-establishment of commercial relations; but that he had, from

his very first conference, stated in a positive manner that Ecuador, for her part, explicitly accepted the American mediation.

Mr. Barranechea, accepting the manner in which the honorable Mr. Godoy had stated the question, recapitulated the different proposals of mediation made in consequence of the Spanish question, as follows: In the year 1866 the French and English governments tendered their good offices, which were accepted on principle by the government of Chili; but those governments having presented bases for an agreement which were inadmissible, the government of Chili, in the name of the allies, declared them unacceptable. Another negotiation of good offices, initiated before that of France and England, by the United States, and for which the bases were not even framed, also fell through. Subsequently the government of the United States presented to the allies, as the bases of a new mediation, those agreed upon on the 17th of December, 1866, by the House of Representatives. But even before the formalizing of those bases, the government of Peru, which had known the general terms which the announced new mediation of the United States would contain, ever since November, had said to its representative at Washington that it unreservedly accepted the proposal of that government. This resolution of Peru having been communicated to her allies, was accepted by Bolivia, and, with a modification as to the choice of the arbiter, by Ecuador. But the government of Chili did not deem it well to accept this proposition without certain previous conditions, which, having been fixed with the concurrence of Peru, were made known by the government of Chili to the American minister at Santiago. According to Mr. Kilpatrick's note, which was annexed to that of 26th March, referred to by the honorable Mr. Godoy, those modifications have not been accepted by Spain, which puts an end to that negotiation.

Mr. Barranechea then read the new proposition of the United States, contained in a circular note of Mr. Seward to the American diplomatic agents in the belligerent countries, and which consists in proposing an armistice, and this being accepted, the appointment by those nations of plenipotentiaries, to meet at Washington, in order to negotiate a positive peace.

He then proceeded to expound the antecedents of the indefinite truce, which, from the first, was accepted neither by Peru nor Bolivia, and touching which nothing was said by Ecuador. He added that so long a time had elapsed since the proposition was made, it ought to be considered as abandoned, and this seemed to him true, in view of a dispatch from the minister of foreign affairs of France to Mr. Vion, which the latter had shown to him confidentially, wherein it was said that the government of that empire would have satisfaction in seeing the proposition of the United States accepted. To recur now to the indefinite truce might, therefore, be looked upon as an inopportune suggestion, besides which the truce could not be looked upon as a true solution of the question.

He terminated, stating that, if it be deemed indispensable to put a stop to the actual situation, in his opinion, it should be done by accepting the American mediation. Mr. Flores insisted in his government's desire to have the situation defined, and said that the government of Chili had been the first to express the same wish.

Mr. Barranechea said that the government of Peru, although it had no reasons for hurrying a solution, would not place itself in opposition to its allies in this particular.

Mr. Godoy, replying to what his excellency Mr. Barranechea had said with reference to the truce, offered the following considerations: The government of Chili has no greater interest than any other of the belligerents in putting a stop to the actual situation, but believes that it is manifestly proper to define that situation, in order to furnish commerce with the guarantees and security which she requires for her development and prosperity; the idea of a truce could not be considered as abandoned by the mediatorial powers which had proposed it, but on the contrary, without an express act to that effect, ought to be held as still pending. If it be certain that a long time has elapsed since it was proposed, this fact is but one more reason showing the necessity of answering the proposition which contained it. Mr. de Moustier's dispatch proves no such abandonment, but his desire, above all, that the existing situation should cease. Therefore, any negotiations tending to accept the truce would in no event have the appearance of an inopportune suggestion or be unseemly on the part of the allies. The reverse of what occurs with the proposition for an indefinite truce happens to the peace proposition; the latter could not be accepted without first establishing the conditions already prefixed by the government of Chili, and not accepted by the government of Spain, as appears by the dispatch already referred to of Mr. Kilpatrick, which makes it supposable that Spain declines to discuss them, perchance because she deems it incompatible with her dignity to initiate pacific propositions; and what Spain, the provoker of the war, considers indecorous perchance, could illly appear decorous to the allies who were the provoked. On the other hand, it would be more than difficult to frame proposals for peace which, our honor and interests being consulted, would at the same time be acceptable to Spain. An indefinite truce differs from peace, in that it demands no conditions, explanations, or reservations; to obtain that object no discus-

sion whatever is necessary; except it, and everything is said, nothing remains to be added; it has all the advantages offered by peace with none of its inconveniences. For these and other reasons the government of Chili has been in favor of a truce, and would accept the same from any of the mediatorial governments.

Mr. Godoy added to the foregoing that whatever be the course adopted, whether peace, a truce, or a continuation of the existing state of affairs, the most important thing, that which is indispensable before all else, is to establish a uniformity of views among the allies in order that their deliberations may weigh with the mediatorial powers.

Mr. Flores observed that no end could be reached in the present conferences, since Mr. Godoy had already stated that he lacked powers to modify his government's opinion, and from which that of Peru dissented. That to arrive at any agreement it would be necessary that all should be clothed with full power.

Mr. Godoy answered that he had simply exposed his government's opinion, which opinion was not unknown to any of the allies, and which had been expressly accepted by one of them; that the view expressed by his government, far from being any obstacle to the attainment of the wished-for result, did nothing more than excite to it; that justly seeking the decision of its allies, the government of Chili had solicited their judgment, and commenced by expressing its own without any reservation; but that not for this did it pretend to exclude different views, nor to avoid the discussion of the opinions which might be presented, however divergent they might be.

In order properly to fix the terms and spirit of the American proposition, Mr. Barranecchia read it anew, and called attention to the fact that it contains two parts—an armistice, and, this being accepted, a meeting of plenipotentiaries to negotiate a peace, without any mention of arbitration, which was the cause of the failure of the previous proposition, and the government of the United States limiting itself, in case its counsels should be asked, to make impartial efforts to procure due attention to the claims of all parties.

Mr. Benavente remarked that all were agreed as to the end, and for the purpose of reaching the same unanimity as to the means, he would like to know what course the government of Peru preferred.

Mr. Barranecchia said that it would prefer to answer, accepting the American mediation, and that he would give its reasons therefor.

Mr. Benavente compared both propositions, and after duly considering them in view of all the antecedents, he said that the opinion of the government of Chili, which had been accepted by that of Bolivia, recommended itself by the practical sense in which it was conceived; that Chili and Bolivia wished to reach the only possible point in the actual state of the Spanish question, and that they had therefore accepted the "indefinite truce;" that that combination which conciliates the exigencies of the commerce of the belligerents, and all the respect due by the allies to neutral interests, would leave to the action of time the lessening of those passions which the fruitless war had created for the government of Spain, and deferred the celebration of a treaty of peace for the restoration of diplomatic relations to another time and for other men, who, free from every susceptibility, would end by recognizing that the demands of Castilian dignity are only reconcilable with the strict justice due by the Spanish government to the Pacific alliance; that, nevertheless, and agreeably to what the honorable Mr. Godoy had said, he was very desirous of arriving at a common agreement, and that for a purpose so worthy of the good relations of the allies, he would listen with attention to the reasons which the honorable Mr. Barranecchia had offered to give.

After calling attention to the fact that the government of the United States had foreseen the inconveniences pointed out by his excellency Mr. Benavente, and that said government had doubtless framed the proposition in the terms which are known in order to avoid the same, Mr. Barranecchia stated the reasons which exist for paying consideration to that government whose solicitude has never changed since the beginning of the war. Those reasons are contained in the note of 4th of November, 1866, which Mr. Barranecchia read, and addressed by him on that date as sub-secretary of foreign affairs, to Señor Don José Pardo, the then minister of Peru in Santiago, saying to him, first, that scarcely had hostilities between Chili and Spain broken out, when the American government, through its representative in Santiago, offered its good offices and even its arbitration to Chili, which suggestion was repeated in Washington to Mr. Asta Buruaga; second, that under date of 24th May of the aforesaid year, the American minister, General Hovey, renewed the offer of mediation on the part of his government, which offer he was authorized to make before his government was aware of the triumph of the 2d of May, and to which Peru replied that it highly esteemed the offer, and would listen with the greatest deference to any propositions which the President of the United States might think proper to make for the purpose of attaining an honorable and fair peace; third, that, finally, the American government initiated the negotiation already spoken of, on the bases proposed by the House of Representatives.

Mr. Barranecchia added, that not to accept the mediation now under discussion

would be to cast a slight on the government of the United States as unfounded as it would be inopportune; that, moreover, whilst Peru had, as already shown, manifested itself in favor of the American mediation, it had been opposed to the truce, and knew no reason for changing its opinion now; whilst Chili is free to accept the pending proposition, inasmuch as it does not contain the arbitration clause, and facilitates the celebration of an armistice or truce, to which Chili is inclined.

Mr. Godoy observed that the proposition of the United States does not, in his judgment, offer that indefinite truce which Chili had favored, but only an armistice or momentary truce, as a preliminary step, to be followed at once by negotiations for peace, concerning which he had already given his views. He added that his government, after learning the contents of Mr. Seward's circular, had found no plausible grounds for changing its opinion, as is seen by the answer which it gave to the dispatch of the government of Peru transmitting said circular to the Chilean; that, besides, it seemed to him that the armistice proposed by the government of the United States as the first step, if not followed at once by peace, would leave us in our present position, and we should have advanced nothing.

Mr. Benavente said that the reasons which he had just heard had modified his opinions, and that without contradicting himself, he believed preference should be given to the American proposition, if for no other grounds than that of deference to the especial considerations mentioned by his excellency Mr. Barrenechea; that by accepting that proposition, with the explanation that the "armistice" shall have the formal character of an *indefinite truce*, the difference between this and the English and French proposition would be a mere accident; that the former leads at once to the negotiations of peace, and the latter defers them to the lapse of time; that although he entertained the unfortunate conviction that Spain would not accept the conditions presented by the alliance for the adjustment of peace, that noble end was embraced in the American proposition, and perhaps it might not be in accord with the honorable aspirations of the allies not to show some deference in such a case, sure as they are of their right and of their power; that at all events the situation would only be defined in its commercial aspect, and if the peace negotiations should be frustrated by new refusals on the part of Spain to obey the mandates of her own decorum and duty, the world would have another proof of such aberration, which would increase the sympathy with which it already honors the pacific alliance, whose moderation is proportionate to the valor with which it conquered its unjust aggressor; that he promised, himself, that his government, notwithstanding it had accepted the opinion expressed by Chili, would give all its attention to this conference, and he hoped the cabinet of Santiago would not be less complacent in estimating it in its real importance, for the purpose of establishing the necessary uniformity between the two nations principally interested.

Mr. Flores comparing the two propositions, found that of the United States decidedly the most advantageous, inasmuch as it at once established the truce, and did not exclude peace negotiations, which, in his opinion, ought not to be rejected *a priori*. He noted that a favoring of the American mediation were the contents of Mr. de Moustier's dispatch.

Messrs. Barrenechea, Benavente, and Flores being thus agreed as to the advantages offered by the proposition of the United States, and Mr. Godoy insisting on his government's reasons for preferring the indefinite truce, Mr. Flores suggested the necessity of having a conference of plenipotentiaries to decide definitively as to the course to be adopted; that he, for his part, was invested with full powers for every kind of arrangement.

Mr. Benavente said, that notwithstanding his character of plenipotentiary, the laws of Bolivia would not allow him to make any arrangement not *ad referendum*, and that consequently he must first ask instructions from his government.

Mr. Godoy promised to send Mr. Flores suggestion to his government. He repeated that the government of Chili in order to take a decided stand, had endeavored to obtain the opinion of her allies; that already having Bolivia's, and as Mr. Flores was to make known to it that of Ecuador, his government only needed that of Peru; therefore if Mr. Barrenechea would be pleased to give an answer to the dispatch before alluded to of 26th March last, a great step would be taken towards the attainment of the desired end.

Mr. Barrenechea promised the honorable chargé d'affaires of Chili to answer the note of 26th of March in conformity with the views just expressed by him.

With what has been set forth the conference terminated, of which the present protocol has been made in four copies of like tenor, signed by the undersigned, and sealed with their respective seals.

J. A. BARRENECHEA.	[L. S.]
J. DE LA CRUZ BENAVENTE.	[L. S.]
ANTONIO FLORES.	[L. S.]
JOAQUIN GODOY.	[L. S.]

Señor Garcia to Mr. Seward.

[Telegram.]

NEW YORK, *November 24, 1868.*

Yesterday I addressed the following telegram to the Secretary of the Treasury: "Steamer Havana, chartered by me as tender to the Peruvian monitors, has been detained by direction of Collector Smith at the moment of sailing for New Orleans. I request your orders for her liberation at once."

Having received no answer yet, and the delay being very prejudicial to the interest of my government, I beg to call your attention to this matter, and request your assistance. I have reason to believe this is the proceeding of one who has personal enmity to my government, and has represented this vessel as destined on a filibustering expedition, but you know her destination, and consequently that charge is false and malicious.

J. A. GARCIA Y GARCIA.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Señor Garcia.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 24, 1868.

The direction you desire has been given to the collector.

WILLIAM H. SEWARD.

Señor Don JOSÉ ANTONIO GARCIA Y GARCIA, &c., &c., &c.

Mr. Seward to Señor Garcia.

[Telegram.]

DEPARTMENT OF STATE,
Washington, December 2, 1868.

Shall I communicate to the Spanish government the assurance you have given me about iron-clads? Answer.

WILLIAM H. SEWARD.

Señor Don JOSÉ ANTONIO GARCIA Y GARCIA, &c., &c., &c.

Señor Garcia to Mr. Seward.

[Telegram.]

NEW ORLEANS, *December 3, 1868.*

The assurance that I have given to you about iron-clads in my government's name shall be held. You can use it as you please.

J. A. GARCIA.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Señor Garcia to Mr. Seward.

[Telegram.]

NEW ORLEANS, *December 10, 1868.*

Peruvian monitors Alakualapa and Manco Copao left this port the 6th instant.

Two Spanish men-of-war are cruising off Balize, and is reported in yesterday's newspaper, there are two iron-clads under same flag watching out. As I have pledged the honor of my government not to molest in any way the monitors, the Spanish flag at sea or on land, I deem it of my duty to anticipate to you, that if the presence of said Spanish vessels is intended to provoke or attack our monitors, the responsibility of consequences may happen if hostilities are resumed in this occasion, cannot befall upon Peru. According to their instructions, Peruvian officers are prepared as well for peace as for war.

J. A. GARCIA Y GARCIA.

Hon. WILLAM H. SEWARD, &c., &c., &c.

Mr. Seward to Señor Garcia.

[Telegram.]

DEPARTMENT OF STATE,

Washington, December 12, 1868.

Mr. Goñi says that according to his information from Havana there is no foundation for the report of a Balize newspaper referred to in your telegram about a Spanish iron-clad, or other Spanish cruisers, off the mouth of the Mississippi with hostile intent.

WILLIAM H. SEWARD.

Señor Don JOSÉ ANTONIO GARCIA Y GARCIA, &c., &c., &c.

Mr. Seward to Señor Garcia.

DEPARTMENT OF STATE,

Washington, December 19, 1868.

SIR: Having communicated a copy of your telegram of the 11th instant, with a note to Mr. Goñi, the minister of Spain, near this government, with reference to the report that two Spanish vessels of war were cruising off Balize with hostile intention, I have now the honor to transmit a copy of his reply thereto, under date of the 13th.

I avail myself of the occasion to offer to you a renewed assurance of my high consideration.

WILLIAM H. SEWARD.

Señor Don JOSÉ ANTONIO GARCIA Y GARCIA, &c., &c., &c.

Señor Gofi to Mr. Seward.

[Translation.]

LEGATION OF SPAIN,
Washington, December 13, 1868.

F Gofi presents his respects to the honorable Secretary of State, and on the subject of the telegram which Mr. Garcia y Garcia sent in the day before yesterday to the Department of State, declares himself authorized by official news to say, that there are not at the point indicated, nor in any other, any Spanish vessels with hostile intentions; every motive for alarm being wanting, as well as for the groundless intimations of the telegram.

HON. WILLIAM H. SEWARD, &c., &c., &c.

Señor Garcia to Mr. Seward.

[Telegram.]

NEW ORLEANS, December 18, 1868.

After chartering steamer Havana, from New York to Southwest Pass, I purchased her under conditions to be delivered at last port to Peruvian navy officers.

After the transfer according to the laws of the country, I sent her former register to New York to be cancelled at the custom-house in the formal way, as I am fully satisfied it has been done. Peruvian colors were hoisted and a navy officer put in command.

I informed, personally, Deputy Collector Gray, that our transport, needing repairs in its engine, was to come up to the city if there was no objection, as none could honestly be opposed.

Since the transport arrived here many questions have been moved by direction of Collector Fuller. A custom-house officer was sent on board this morning, notwithstanding the official colors hoisted by the transport, and after full explanation confidentially given to the collector yesterday, to my great surprise. I am confidentially informed in this moment, 5 p. m., that there is the intention to attempt the seizure of the vessel to-morrow morning. I submit to you this urgent case that may prove so injurious to the honor, the rights, and interests of Peru, and which, therefore, requires the immediate action of your government.

J. A. GARCIA Y GARCIA.

HON. WILLIAM H. SEWARD, &c., &c., &c.

SALVADOR.

Mr. Williams to Mr. Seward.

No. 35.]

LEGATION OF THE UNITED STATES,
San Salvador, December 22, 1867.

SIR: I have the honor to acknowledge the receipt of your dispatch No. 26, November 4, 1867.

Since my last dispatch I have spent some time at the annual fairs held in different parts of the republic, chiefly for the sale of indigo and the purchase of foreign merchandise.

The principal fair this year, as for many years past, was at San Miguel, in the eastern department, a town of some fifteen to twenty thousand inhabitants. Before the introduction of our steamer line connecting with Panama, this fair was of great importance, and collected its tens of thousands of people from this, and the neighboring republics. Now, however, the regularity and certainty of communication with other countries have lessened its value and greatly diminished its trade. At the late fair, however, about half the indigo crop was brought in by the large and small producers, in packages of all sizes and qualities, the best selling at one dollar the pound, and the poorest as low as fifty cents. The concourse of people, though I am told less than in former years, was certainly very great, and the trade in foreign merchandise, I believe, quite satisfactory to the merchants. The country continues perfectly tranquil. The yield of coffee, the crop of which is now being gathered, is reported as unusually abundant.

I have the honor to be, very respectfully, your obedient servant,
A. S. WILLIAMS.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Williams to Mr. Seward.

No. 37.]

LEGATION OF THE UNITED STATES,
San Salvador, February 6, 1868.

SIR: I have the honor to acknowledge the receipt of your dispatch No. 15, of date December 27, 1867.

The regular session of the legislative chambers was opened with the customary ceremonies on the 22d ultimo. The President read his message to the joint convention of the chambers. I inclose herewith pretty copious extracts, both from the message, (marked A,) and from the report of the minister of foreign relations and of public instruction, (marked B,) which may serve to exhibit the progressive condition of the republic, and the earnest disposition of the present administration to improve the material, moral, and educational status of the people. The endeavors made to extend primary education is particularly noticeable and commendable. Hitherto but little has been done in that regard, and the

great mass of the rural population, and of the villagers, have been living in profound ignorance of books, and with not a few of the peculiar traits, habits, and modes of life of the aboriginal people of America. Such a population, as bigoted and superstitious as ignorant, furnish ready materials, as the history of these republics shows, for the operations of discontented, revengeful, or interested ambition, and for the evil exercise of venturesome talents, or unscrupulous shrewdness, whether of church or state.

That the present government has been able to awaken a general interest in education, and to do so much to set in motion any liberal system, and that its disposition is so earnest for universal instruction, even to the extent of enforcing attendance upon schools, furnish the most gratifying signs for the future peace and prosperity of the republic, and especially so if we add to these favorable indications the important influences of an increasing demand for labor, and steady employment, consequent upon the many new agricultural enterprises that now engage the attention and enlist the peaceful sympathies and efforts of intelligence and capital.

It is understood that the legislative chambers are almost unanimously in sympathy with the executive government. There would seem, therefore, no probability at present of any serious opposition to the administration of President Dueñas, nor any violent interruption to the admirable progress the public is making in the development of its agricultural riches.

I have the honor to be, very respectfully, your obedient servant,
A. S. WILLIAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

A.

[Translation.]

Extracts from the message of President Dueñas to the legislative chambers of the republic of Salvador, January 22, 1868.

* * * * *

Peace, the indispensable basis of the progress and well-being of nations, has suffered no change nor molestation with us during the year, and I have reason to believe will not be disturbed for time to come, for it is founded on the justice and equity with which public affairs are administered, and on our convictions and experiences of past misfortunes.

The political institutions are respected and faithfully observed by the executive and other public functionaries, to which circumstance we owe the regularity with which the national powers move in their proper spheres without conflicts; a point of difficulty with all governments which, like ours, are divided into absolute independent prerogative and duties undisturbed by grave political questions, we have been permitted to give our attention to other interests of no less importance—to the regulation of the finances, public instruction, important internal improvements, and to an impulse of all those matters which produce positive benefits to the people. To these topics I shall confine myself in this brief discourse.

The friendly relations which the republic maintains with all the powers of Europe and America have been cultivated with the greatest assiduity, and it is with much satisfaction I have to inform you that no misunderstanding has occurred with any, but, on the contrary, the government has received constant proofs of sympathy and consideration. We have extended our political and commercial relations by the appointment of additional ministers and consuls, which represent us now in almost all foreign countries.

With the adjacent republics the greatest cordiality has been preserved. The compacts which unite us, and the obligations of national vicinage, have been religiously observed.

The ecclesiastical authority has worked in harmony with the civil power, and has contributed with the means it possesses, by its high social position and by its ministry, to preserve order and morality among the people.

The supreme tribunal of justice, and the inferior courts, have labored during your recess with a regularity and independence which have contributed to the conservation of good order.

Higher instruction has made greater progress than in the preceding year. The national college and university are supplied with good teachers, excellent instruments and books, and with whatever is necessary for the better education of the youth. The revenues assigned to this branch have increased, and are now sufficient for the payment of the employés, for repairs of the buildings, and for the purchase of useful objects.

The academies of drawing and painting make additional progress daily.

A considerable expansion has been given to primary education, so that there is now no village, however small, that does not possess its public school regularly provided.

Equal care has been taken for the education of the female sex, and the progress made in the schools for girls is very marked.

REVENUES AND EXPENDITURES.

* * * * *

The total product of the revenues for the fiscal year was \$832,150 79, the expenditures, including payments of unconsolidated debt, \$745,375, leaving an existing balance of \$86,775 15 in the treasury. A comparison of these figures with those of last year show an increased revenue of \$48,437 26. There is no foreign debt. The interior debt, which consists of circulating bills at six per cent. interest, reaches the sum of \$694,380, having undergone a considerable reduction during the year last past. During the present season the harvests have had a regular augmentation, and commerce a rapid extension. Increased wealth and increased revenues may be expected during the current year. An arrangement has been entered into for the establishment of a bank, which will give much impulse to commercial transactions. Our money currency possesses defects in depreciation from long use, which render its circulation difficult, and the kind known as "clipped money" (Macuquina) should be wholly retired.

The government, through the proper department, will submit the project of a law to provide a remedy.

At the same time will be presented a new tariff-bill to correct the many errors and inaccuracies, and to supply the deficiencies of the existing law.

The public works have been carried forward with activity. The most important roads are kept in good condition, and new wagon roads have been opened, productive of great benefits to commerce and to the people. The work on the national palace continues without interruption. It is of considerable magnitude, and cannot be pressed forward as rapidly as might be desired.

* * * * *

In the department of war many reforms have taken place, and arms and materials have been purchased, which will be detailed in the report of the minister. The store-houses are well provided, and care is taken that they shall be kept prepared at all times for such emergencies as may arise.

The work of recompilation of the laws has been concluded, though not yet inserted into our codes. It will be presented to you for your approbation by the minister of the interior.

The laws, decrees, and orders enacted by the last legislature have been carried into effect.

The respective ministers will submit for your information certain projects for supplying defects in existing legislation, and for other objects of known utility. Your accredited patriotism, and your enlightened intelligence will best instruct you in the line of your high commission, and I invoke the Omnipotent to grant you the requisite success.

SAN SALVADOR, *January 22, 1868.*

B.

[Translation.]

Extracts from the report of Don Gregorio Arbíz, minister of foreign relations and of public instruction of the republic of Salvador, made to the legislative chambers, January 29, 1868.

* * * * *

FOREIGN RELATIONS.

During the past year no question has arisen to interrupt tranquillity and good relations with any of the countries of Europe or America.

With the republics of Central America we preserve perfect harmony, and especially with Guatemala, Honduras, and Nicaragua, boundary states of Salvador, our relations have been most cordial and friendly. Our government has endeavored to pursue a line of conduct that could give no cause of complaint to our neighbors, and there has been a corresponding reciprocity on their part.

Under the shelter of this pacific and friendly condition, our commerce with these countries has greatly enlarged, and with intimate commercial relations unimpeded, harmony and fraternity among the respective people have been more and more cemented, local feeling removed, and a community of interests created, all of which is leading to a possible realization of a *unification*, not in the mode formerly attempted by the unjust, inefficacious, and destructive force of arms, but by those pacific means which are in consonance with justice, humanity, progress, and civilization. With some of the other republics of Spanish origin we maintain friendly relations, and the government has watched with anxiety the progress of deplorable occurrences in several of those states. We cannot be indifferent to the fortunes of these countries, with which we have a community of origin, of religion, of language, and of customs.

The great republic of the north, whose political institutions have served as a model for ours, has always given us proofs of sympathy and friendship. Our legation near the government of Washington continues established, and furnishes to the country important services. It has always been well received by that government.

At the beginning of the past year the President of the United States was pleased to accredit near this government, in the capacity of minister resident, Mr. Alpheus S. Williams, who was received by the President of the republic with all the consideration due to his official character. He continues in this country, discharging his functions in the most perfect accord and good intelligence with the government.

The government of the United States has also established consulates in various commercial places of the republic, to the incumbents of which corresponding *accreditation* have been given.

With the powers of Europe with which we have treaties no occasion of disagreement has occurred. These treaties have been faithfully observed by both parties.

This government takes care that strangers shall enjoy every class of guaranty to their persons and property, even those with whose respective governments we have no express compacts.

The Italian government has been pleased to accredit to this government a chargé d'affaires, giving the appointment to the Duke of Licignano, with whom the undersigned, under the authority of the President, is about to conclude a treaty of extradition, which will be submitted in due time for your consideration.

The government of her Britannic Majesty, with which our relations are perfectly frank and friendly, has accredited Mr. Edwin Corbett in the quality of consul general and chargé d'affaires.

Both Mr. Corbett and the Duke of Licignano have presented their credentials to the department in my charge, and were cordially received by his excellency the President of the republic.

Our legations in France, England, and Rome continue to the satisfaction of the government, and our relations with those countries remain on a footing of cordiality and good understanding. The government has thought advisable to appoint chargés d'affaires in Italy, Belgium, and Prussia, and has named for those posts Señores Julio Thirion, D'José Maria Torres Caicedo, and D'Adolpho Lindemann, citizens who under all aspects have merited the entire confidence of the government. For the purpose of better attending to the exterior interest of our international affairs, the government has thought it advisable to establish consulates in several commercial places of Europe and America, where the want of this class of employés has made apparent. A separate list of the ministers and consuls will be transmitted.

Such, Señores Representatives, is the actual condition of our foreign relations, which the government has striven to preserve in a satisfactory state by every endeavor compatible with the honor, the interests, and the dignity of the nation, and which policy we see now no reason to change.

A small state is constantly exposed to find itself involved in unpleasant and grave questions with other countries, but this government recognizes as a fact that its very weakness may serve as a condition of guaranty and security when it does all in its power to mark its policy with the stamp of good faith and of integrity.

PUBLIC INSTRUCTION.

Public instruction, necessary and useful to all countries and in all times, is indispensable in a state which, like ours, calls through its institutions all citizens to take part in the direction of its public affairs. A people exercising an act of sovereignty of the highest importance, that of choosing its agents selected from among all classes of society, without other essential conditions than knowledge and virtue, can never properly

discharge that duty without the qualifications obtained through the instrumentality of public instruction.

From this conviction in the government springs its earnest endeavors to improve and extend the education of the youth.

The university, an institution which already does honor to the country, and which is especially charged with the direction of the professional courses, furnishes daily evidences of improvement and better results. In the capacity of its immediate chief, I have been able to observe and know the progress made. During the last year several studious and moral youth have concluded their respective terms, giving proofs of valuable acquirements (elementary though they may be) in many branches of the sciences.

As to the professional studies, professorships have been established in conformity to the university statutes, with the single addition of a professorship of land-surveying.

The studies of the faculty of sciences and letters are arranged according to the requirements of the ordinances, but especial attention has been given to make more effective and advantageous the study of living languages as well as those of natural history and chemistry, so necessary to the practical uses of life, especially in our epoch. With this object, several apparatus, instruments, and other useful articles have been provided, without abandoning the purpose of making still further important additions and improvements in this regard for the university.

The national college, as I had the honor to say in my report of last year, was in a deplorable condition. The government, comprehending that this decline proceeded essentially from the organization of the establishment, gave it a new form, from which the most beneficial results have followed. A significant proof of its improved condition is found in the increased number of students. At the end of 1866 there were not more than from twenty-five to thirty collegiates. In the past year, in which commenced the new system, there were nearly one hundred, and it is believed with confidence that in the present year that number will be greatly increased.

In conformity with the provisions of the university statutes the council of public instruction has permitted the establishment of departmental academies, where could be pursued the studies which correspond to the faculty of sciences and letters, and with conditions that the students should be subjected to an examination in the university as to the validity of their course of studies.

As to the primary instruction, the purpose has been to extend it to every village. This education, gratuitous, as is that of the higher schools, can never produce its full benefits until it is made obligatory. In that way we may succeed in generalizing among the most ignorant class a knowledge of reading and writing, of the elements of morals, of arithmetic, and of the grammar of our language.

The education of the female sex has not been neglected. Several schools for girls have been established, and to others pecuniary aid has been given. For the purpose of giving the female youth an education superior to what hitherto could be given in this country, the government has arranged to bring from Europe instructors to found a female college.

We have encountered many difficulties in our endeavors to sustain the primary instruction, at least in the form and extension in which it actually is. The funds destined to this branch are deficient in some of the departments. To meet the most urgent of these necessities the government found itself obliged to make provision from the fund for extraordinary expenses.

The inspection and superintendence of the schools for drawing and painting having been put under the control of the secretaryship in my charge, it is my duty to inform you that both establishments have made great progress in both branches. The natural talent of our youth to comprehend the delicate harmonies of the fine arts is so remarkable that we may well indulge the hope of possessing in a short time artists who will do honor to the country, and who will demonstrate that the solicitude of the government to furnish this artistic institution has not been fruitless.

If this brief relation gives you no notice of diplomatic labors on the part of the government to adjust difficult and disagreeable questions, nor that new systems of public instruction (which, perhaps, might soon prove inadequate) have been introduced, it will at least demonstrate that the government has endeavored faithfully to fulfill its obligations, has executed the laws with religious solicitude, and has striven to maintain intact the good name of the republic, and that it strives constantly to establish a system of public instruction as perfect in its extent and character as the peculiar circumstances of the country will permit.

GREGORIO ARBIZIR.

SAN SALVADOR, *January 29, 1868.*

Mr. Williams to Mr. Seward.

No. 38.]

LEGATION OF THE UNITED STATES,
San Salvador, March 6, 1868.

SIR: I have the honor to acknowledge the receipt of your dispatch of January 25th ultimo, No. 16, and also three volumes of the Diplomatic Correspondence for 1866.

The regular annual session of the legislative chambers was closed on the 26th ultimo, with the customary formalities, and an exchange of addresses between the president of the chambers and the President of the republic. The former, in recounting the four epochs which, in his view, marked the political history of this republic, spoke of the "beneficent influence of the government of the North American republic, which, like a colossal tree, spreads its immense healthful shade over the whole continent of Columbus," and he referred in grateful terms to the important part it had contributed to break the yoke of colonial bondage, and to their independence, which led to the assembling of the first Salvadorean congress, March 14, 1824.

The acts of the present chambers, so far as made public, are not of noticeable interest, except in one particular. Extraordinary powers, limited to the legislative recess, were conferred upon the President relative to all the important measures he had recommended to the attention of the chambers in his annual message.

He is authorized by the vote of both houses—

1. To decree such changes and improvements in the department of finance as he may deem necessary to augment the revenues and facilitate their administration, and especially to correct the defects of the present tariff system.

2. To make such reforms in the administration of justice as, on consultation with the supreme court, he may think necessary.

3. To make such improvements and reforms in the military branch as he may think proper, and to decree regulations for a navy.

4. To employ on commissions the members of the legislature during the recess.

5. To regulate the mode of admitting "denouncements" of church lands and unoccupied lands.

6. To remove existing faults of the circulating money, and to determine the alloy, weight, value, and character of the coinage, "in such a manner as he may deem most suitable to facilitate the exchanges and transactions which the general interests demand."

The President is required to give an account to the next session of the chambers of the use he has made of these extraordinary powers. The preamble to this act recites "that these important changes and reforms cannot be made without a protracted examination, requiring a considerable time, and that, the actual President meriting the highest confidence of the people and representatives of Salvador, for having demonstrated in an unequivocal manner his spirit of patriotism, and his skill and discretion, by which the prosperity of the nation has been promoted, they have thought best to decree these ample and extraordinary powers to the supreme executive." Two or three matters of local interest mainly seem to be worthy of notice.

1. The organization of a company under a charter granted last year, to construct an iron wharf or jetty, (*muelle*,) to extend beyond the surf at the port of La Libertad. The whole capital stock (\$125,000,) was subscribed here a short time since, and the work will be at once put in con-

struction by engineers, I understand, from the States. It is an important improvement for the growing commerce of the principal port of the republic.

2. An arrangement (with a liberal subsidy) whereby the original contract with Don Crisanto Medina has been transferred to the North American Steamship Company of New York, for a direct steamer line between the Central American ports and San Francisco. Permission has been granted to make the southern terminus at Panama or San Juan del Sur, in the option of the company. This line would greatly facilitate and increase the trade between these States and California and our other Pacific States and Territories.

With this gratifying prospect of an additional market, especially for the rapidly increasing sugar product here, there are mingled some apprehensions that the provisions for free sugars in the treaty with the Sandwich Islands, now under consideration by our government, may operate to exclude from that convenient market the duty-paying sugars of Central America.

3. Following the succession of natural disturbances which have been so disastrous in many places, the eastern part of this republic has been the theater of severe earthquakes. In the port of La Union, which for many years has been almost wholly free from these phenomena, more than one hundred and fifty shocks were felt within a period of two or three days, some of them of alarming violence. It is now reported here that the volcanic peak of Conchagua, which lies close to that port, on the promontory between it and the sea, has opened an active crater on the seaward slope of the mountain. We are yet without reliable particulars. The town of San Miguel, also, some fifty miles in the interior from La Union, has been alarmed by similar subterranean commotions, and the volcanic peak, at the base of which the town lies, has again, after a quietude of many years, been in pretty active operation.

This capital, which in past times has suffered so severely, and rarely passes many months without severe earthquake shocks, has been unusually exempt during these natural demonstrations elsewhere. The active volcano of Izaleo, sixty miles westward, near Sousenate, has, however, been operating with unwonted vigor.

I record these facts because they may have an interest in connection with similar phenomena in other parts of the globe. The political aspect of the republic is tranquil, and the people seem generally contented and prosperous.

I have the honor to be, with great respect, your obedient servant,
A. S. WILLIAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Williams.

No. 18.]

DEPARTMENT OF STATE,
Washington, March 6, 1868.

SIR: Your dispatch No. 17, of February 6, has been received, and is exceedingly interesting.

The extracts from the President's message to congress, and the report of the minister of foreign relations and public instructions accompanying it, exhibit the progressive condition of that republic, and furnish

gratifying proofs of the earnest disposition of the government to improve the material, moral, and educational advancement of its people.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ALPHEUS S. WILLIAMS, Esq., &c., &c., &c.

Mr. Williams to Mr. Seward.

No. 39.]

LEGATION OF THE UNITED STATES,
San Salvador, March 20, 1868.

SIR: The publication of the report of the minister of interior, finance and war, made to the legislative chambers in their recent session, places the aggregate of imports and exports of this republic, for the last fiscal year, at a larger figure than that given in my dispatch of November 6th last, (No. 34,) which was made up from the custom-house reports published in the Official Gazette. The difference in the two statements grows mainly out of an unexpected increase in the business of the frontier offices, which was *estimated* in the Gazette reports.

The minister's report states as follows the aggregates of exports and imports:

Exports of products, 1867	\$2, 895, 606 23
Imports of foreign goods, 1867	1, 876, 444 10
Excess of exports	<u>1, 019, 162 13</u>

This shows an increase of exports over 1866 of \$460,804 73, and of imports, \$232,099 59. The minister anticipates a yearly increase of the exportable products of the country from the fact that "in all the departments of the republic agriculture is assuming larger proportions, especially in the cultivation of coffee and sugar." He looks also with confidence to the advantages which are to spring from the bank, recently chartered, for a most favorable influence upon new and useful enterprises.

In connection with this subject, I venture to make a brief reference to the official estimates of the revenues and expenditures for the current year, as not without interest in presenting the sources of the revenues, and the kind and extent of the expenditures, for a comparison with those of States of similar magnitude elsewhere. The minister estimates the revenues for the year at \$744,123 68, and from the following sources:

From the custom-houses	\$381, 419 18
From sales of aguadiente franchise, (privileges granted by districts to make and sell)	140, 414 38
From export duty on indigo	39, 168 68
From ramo de tajo, (excise on slaughtered animals)	22, 597 86
From stamped paper, (used in all notarial documents and proceedings in courts)	19, 329 14
From 4 per cent. and 5 per cent. tax on sales of real estate and certain personal property	18, 137 57
From sales of powder and saltpeter, (a government monopoly)	18, 321 70
From post office department	12, 011 52

Fines, debts due, rents and sales of real estate, and a few other small items, make up the total of the estimated revenues.

It will be observed that the revenues are derived almost wholly from the customs, or privileged monopolies. There is no direct tax on real or personal property, for State or municipal purposes. In some of the larger towns a small sum is collected upon each box or bale of imported goods, without regard to value, and for purposes not clearly defined.

But municipal assessments, and taxes, and municipal governments, except as the creatures of the general or central government, seem not to be known. And in this connection with the subject of taxation, it may not be inappropriate to add, that for years in this republic the church has been deprived of the right, which still obtains in others of these republics, of collecting tithes and "first fruits" (*diezmos y primicias*) for ecclesiastical purposes. The church is now wholly supported by annual legislative appropriations, and by the customary fees and voluntary contributions.

The expenditures for the year are estimated at \$713,382 50. The following are the principal items:

For legislative expenses	\$11,444 50
For executive expenses	19,976 00
For judicial expenses	35,480 00
For ecclesiastical expenses	15,000 00
For diplomatic expenses	20,000 00
For army expenses	200,000 00
For pensions	8,500 00
For primary education	22,000 00
For university	15,000 00
For department expenses, including eleven governors and their secretaries	15,180 00
For rural police, and town and fair guards	28,780 00
For roads, and other improvements	50,000 00
For existing contracts	50,000 00
For construction of government house	30,000 00
For subsidy to steamboats	12,000 00
For interest on public debt	42,000 00
For supplemental for last year	40,000 00
For hospitals	4,900 00
For government printing office	4,476 00
For purchase of powder	7,000 00
For unlooked for and extraordinary expenses of the government, for which "minister is to render a detailed account to the legislature"	20,000 00
For "ordinary or general expenses of administration"	13,000 00
For general post office, "besides other provisions of law" ..	4,480 00

The balance of the estimates are for salaries to general treasurers, special treasurer, judge of treasury, auditors, administration of powder, clerk-hire, and the like. The expenses of the three seaport custom-houses, including salaries, are estimated at \$14,600. It is a noticeable fact that the small "military force and rural guard" (not over eight hundred men) absorb quite one-third of all the estimated expenditures.

These statements lose their significance unless the fact is kept in mind that territorially the republic of Salvador is about the size of the State of New Hampshire, and that its estimated population (for in truth no reliable census has ever been taken) is six hundred thousand souls.

The inhabitants of aboriginal descent are sufficiently civilized to be

pretty steady cultivators of small farms, and to an extent that is quite remarkable. In the larger part of the republic the traveler finds *chacras*, or thatched ranchos, thickly spread over the country, and not, as in most Spanish American countries, aggregated in towns and villages. The portion which is clearly an exception to this remark, is the comparatively small strip along the coast between the ports of La Libertad and Acajutta, known as the "Balsam Coast." Here the natives live in a country of almost unbroken forest, and chiefly from the production of the balsam tree known to commerce as the balsam of Peru.

I shall venture in a future dispatch to continue this subject of population, soil, climate, and productions of this little republic, in spite of some apprehensions I feel of giving an undue importance to matters that the department may not care to be troubled with.

I have the honor to be, very respectfully, your obedient servant,
A. S. WILLIAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Williams to Mr. Seward.

No. 41.]

LEGATION OF THE UNITED STATES,
San Salvador, April 6, 1868.

SIR: I have the honor to acknowledge the receipt of your dispatch of March 6, No. 18.

Since my last dispatch Señor Don José Salinas, especially empowered for that purpose by the government of Nicaragua, has concluded a treaty of amity and commerce with this republic. I am assured that this treaty embraces no more than the ordinary provisions, and nothing in the way of alliances offensive or defensive, which have been heretofore so prolific of discords and wars between these Central American republics. No treaty, not even of amity, existed between these contemninous republics, and this new one, I am assured, is solely intended to supply this deficiency, and to manifest a mutual good feeling between the two governments. The measure must, however, have excited the jealousy and inflamed the bad feeling that has existed in Nicaragua for some time between the partisans of the late President Martinez and the existing government of Señor Guzman. I am told that the steamer just arrived brought up a gentleman of intelligence and influence, a secret agent of the Martinez political party, whose double purpose is to neutralize, if he cannot enlist, the influence of this government in the contemplated revolutionary measures, and to purchase arms and ammunition, with the intention of a forcible overthrow of the Guzman administration. I very much doubt if the cautious judgment and peaceful disposition of President Dueñas can be enlisted in any enterprise or purposes that are intended or calculated to disturb the existing governments of neighboring states, and thereby endanger the tranquillity and peace of his own republic. Any violent purposes of the discontents of Nicaragua must assuredly fail of finding countenance or support from the government here. Besides the treaty above referred to, the Duke of Leignano, chargé d'affaires of Italy, has recently concluded, on the part of his government, a treaty of extradition with this republic.

I venture respectfully to suggest that such a convention or treaty with our government is much to be desired.

The increasing facilities of intercourse with our country, and especially that which probably will soon be furnished by means of the direct steamer line from this to California, will make such an arrangement for reclaiming fugitive criminals of importance to both countries. I make the suggestion with more confidence as I am aware that provisions of extradition were embraced in a treaty made in 1862 between the two governments, and which failed of ratification from some slight amendment in our Senate, and the delays of the Barrios administration here to ratify the amended treaty, previous to its overthrow.

I venture further to suggest that in addition to this extradition treaty a consular convention between the two countries is much to be desired, as provided for in article thirty-four of the existing treaty. Some additional consular powers in regard to estates of our citizens dying in this country, without heirs or legal representatives here, are especially needed. I have reason to believe that propositions for these conventions would be very favorably received by this government.

I have the honor to be, very respectfully, your obedient servant,
A. S. WILLIAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Williams to Mr. Seward.

No. 43.]

LEGATION OF THE UNITED STATES,
San Salvador, June 6, 1868.

SIR: I have the honor to acknowledge the receipt of your dispatch of April 30th last, No. 20. Also two packages—one addressed "to the government of Salvador," and one "to the gentleman who, at the time of the death of President Lincoln, held the office of minister of foreign affairs," both of which I will see delivered on the return of the government to the capital.

The President, accompanied by the ministers of state and finance, the chief military officers, and a considerable party of ladies and gentlemen, left here on the 22d ultimo, on a tour through the western departments of the republic. He has been received everywhere with enthusiastic demonstrations of respect.

I was kindly invited to accompany the President, but the condition of my health would not permit the exposure and fatigue of a horseback journey. I, however, availed myself of an opportunity to make an excursion by steamer, of a few days' duration, down the coast, and had the pleasure to meet our minister in Nicaragua, Mr. Dickinson, at Corinto, and our minister, General Lawrence, at Puerta Arenas, on his return from the States. The United States steamship Ossipee, Captain Emmons, which touched at the ports of this republic some few weeks ago, I found at anchor in the port of Coriento (Realejo,) and I had the pleasure of a long interview with Captain Emmons on board his ship. I am informed that the United States steamship Saranac, Captain Fraily, is also at this time touching at the ports of the Central American coast.

These occasional visits of our naval vessels are not without beneficial effects in keeping alive in the minds of these people some appreciation of the naval strength and vigilance of our country. It would be better,

perhaps, if these visits could be made with more frequency and with greater regularity.

This republic continues tranquil, and prosperous in all branches of its productions.

I have the honor to be, very respectfully, your obedient servant,
A. S. WILLIAMS.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Williams to Mr. Seward.

No. 44.]

LEGATION OF THE UNITED STATES,
San Salvador, June 15, 1868.

SIR: I have the honor to inclose herewith the translation of a note from the minister of foreign relations of this republic, acknowledging the receipt of the two packages transmitted through this legation, one addressed "to the government of Salvador," and the other "to the gentleman who, at the time of the death of President Lincoln, held the position of minister of foreign affairs."

I am, very respectfully, your obedient servant,
A. S. WILLIAMS.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Señor Arbizir to Mr. Williams.

[Translation.]

DEPARTMENT OF FOREIGN RELATIONS OF SALVADOR,
San Salvador, June 14, 1868.

The undersigned, minister of foreign relations of Salvador, has had the honor to receive two packages (encomendadas) delivered by the honorable General Williams in the name of the government of the United States; one directed to the government of this republic, and the other addressed "to the gentleman who at the time of the death of President Lincoln held the position of minister of foreign affairs."

His excellency the President of the republic and the undersigned, who at the time referred to discharged the duties of minister of foreign relations, present their most expressive thanks to the government of the United States for the presentation of a work which records the universal sentiment caused by the assassination of President Lincoln.

The undersigned avails himself of the occasion to reiterate to his excellency the honorable General Williams the protestations of his distinguished consideration.

GREGO. ARBIZIR.

Mr. Williams to Mr. Seward.

No. 48.]

LEGATION OF THE UNITED STATES,
San Salvador, September 22, 1868.

SIR: Referring to the circular of the department, dated January 17, 1867, relative to the Coolie trade, and calling the attention of the representatives abroad to the supposed abuses of this traffic, I have the honor to inclose herewith, for the information of the department, the translation of a decree of this government, granting an exclusive privilege to one

Señor Poncio Darnaculleta to introduce here one thousand Chinese laborers within a period of four years. It will be seen that this decree provides for a voluntary engagement by these laborers in their own country, which fact must be certified by the authorities of the place where the contracts are made. It also provides that the transfers of these labor contracts in this country shall not extend beyond the term of the original agreement.

I have great doubts if these Chinese laborers can be successfully introduced here. Labor is yet, nominally at least, too cheap and abundant in this country, though it must be said, of such an indolent, uncertain, and indifferent character that it much needs the incentive example of a more industrious and patient class of workmen. In all mechanical branches the labor of the country (from the universal custom of *weekly* contracts, seldom renewed by the same laborer) is almost useless. The same laborer cannot be kept long enough to be taught the simplest matter of mechanical work.

For the successful working of the machinery which is now being extensively introduced, more constant and more skillful labor must be sought elsewhere—not, I think, however, among Coolie laborers.

I have the honor to be, very respectfully, your obedient servant,
A. S. WILLIAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Translation.]

MINISTERIO DE FOMENTO, GOVERNMENT HOUSE,
San Salvador, August 8, 1868.

Upon the petition of Señor Don Poncio Darnaculleta, a native of Spain, soliciting an exclusive privilege to import Chinese laborers into this republic, and in consideration that an augmentation of the labor force of this country would be of much utility, now that agriculture is notably progressing—

The supreme government decrees:

1. To concede to said Señor Darnaculleta a privilege for four years, during which period he may import the number of one thousand Chinese laborers, who shall voluntarily contract in their own country, and shall be brought directly to this, which condition shall be duly attested by the public authorities of the place where the laborers are enlisted or contracted. (*Le haga elgananche.*)

2. Such contracts and transfers as Señor Darnaculleta may make with the planters or other agriculturists of this country shall be considered as valid, and the fulfillment of them will be enforced by the authorities.

3. The payments which Señor Darnaculleta may receive from planters, or other agriculturists, by virtue of the contracts and transfers referred to in article 2, shall be understood as a compensation for the costs and expenses of the embarkation and transportation of said Chinese laborers, and said contracts and transfers shall not be made to extend beyond the time stipulated in the original enlistment or engagement of said laborers.

4. Said Señor Darnaculleta shall pay, for the benefit of the public hospital of this city, one dollar for each individual Chinese brought here by virtue of this concession, as a remuneration for the privilege granted.

Rubricated by the President.

BONILLA.
Secretary of State in the Department of Agriculture.

VENEZUELA.

Mr. Stilwell to Mr. Seward.

No. 2.]

LEGATION OF THE UNITED STATES,
Caracas, December 10, 1867.

SIR: I beg to inform the department that we arrived in this city on the evening of December 6, making the trip from New York to La Guayra in eleven days.

When we arrived at St. Thomas, we found that the recent earthquake, on the 18th of November, had so disabled the vessels in the Atlantic squadron at that point that it was impossible for Admiral Palmer to comply with the order from the Secretary of the Navy to send me in a government vessel to La Guayra, consequently I made the trip in a small yacht.

On the 9th instant I addressed a note to the honorable Jacinto Gutierrez, minister of foreign affairs, announcing my arrival, and informing him of my being a bearer of a sealed letter from the President of the United States of America to the President of the republic of Venezuela, (an open office copy of which I forwarded to him at the same time,) and asking him to designate a convenient time and place when I could have an audience with him and place the same in his hands.

A copy of this note I inclose, marked inclosure No. 1.

I am, sir, very respectfully, your obedient servant,

THOMAS N. STILWELL,

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Stilwell to Señor Gutierrez.

[Inclosure No. 1.]

Mr. Thomas N. Stilwell has the honor to present his compliments to the honorable Jacinto Gutierrez, minister of foreign relations of the United States of Venezuela, and to inform him of his arrival in the city of Caracas, bearing a sealed letter, an open office copy whereof is herewith transmitted, addressed by the President of the United States of America to the President of the republic of Venezuela, accrediting the undersigned as minister resident of the United States near the government of Venezuela.

Mr. Stilwell, in pursuance of his instructions, begs to request the honorable the minister of foreign relations to designate a convenient time and place at which he may have the honor of presenting such original letter of credence in person to his excellency the Supreme Chief of the United States of Venezuela.

Mr. Stilwell takes the advantage of this, his first opportunity, cordially to salute the minister of foreign relations, and to tender him the assurance of his distinguished consideration.

Mr. Stilwell to Mr. Seward.

No. 3.]

LEGATION OF THE UNITED STATES,
Caracas, December 17, 1867.

SIR: Since the date of my second dispatch, of the 10th instant, the minister of foreign relations for the United States of Venezuela, in a very polite note, of the 13th instant, advised me that the President had been pleased to name Monday, the 16th instant, at 2 o'clock p. m., for my reception. I replied on the same day of receipt of his note, forwarding a copy of the remarks which I proposed making in my reception, (a copy of which I inclose herewith—inclosure No. 1.)

Yesterday, at the hour named, I presented myself at the government buildings, and was immediately received by honorable Jacinto Gutierrez, minister of foreign relations, who at once introduced me to the presence of his excellency Juan C. Falcon, President of the United States of Venezuela, who was surrounded by his cabinet and the principal military men of the republic, to the number of nearly, if not quite, one hundred persons. After the delivery of my remarks, to which his excellency replied, (a copy of which remarks I inclose, marked inclosure No. 2,) a very pleasant conversation of a few minutes followed, in which not only the President but the different members of his cabinet spoke in the most eulogistic terms of my government, its present administration, and its distinguished Secretary of State.

Following the custom inaugurated by my predecessors, to-day I have visited the envoy extraordinary and minister plenipotentiary for Brazil and the several chargés d'affaires representing foreign powers near the government of Venezuela, and it is with much pleasure that I advise you that, as the representative of the United States, I was received with great courtesy and distinguished consideration.

I am, sir, very respectfully, your obedient servant,

THOMAS N. STILWELL.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Inclosure No. 1.]

YOUR EXCELLENCY: Having the honor to deliver to you personally the autograph letter of the President of the United States of America, accrediting me as minister resident, near the government of Venezuela; it affords me profound pleasure to assure your excellency, for the President and the people of the United States of America, that they desire and hope that the fraternal and friendly relations heretofore existing between the sister republics of the United States and Venezuela may not only remain unbroken, but that their future intercourse and relations may be such as to unite them more friendly together.

The President of my country has instructed me to say to your excellency, that it is with much pleasure that he learned that you have been able to suppress all factious opposition, and to maintain and preserve your government against all of its enemies.

The United States having just passed through a war unparalleled in magnitude successfully for the preservation of its laws, its Constitution, its government, and entered upon a career of grandeur and glory unsurpassed in recorded history; the President congratulates you on your like success, and the ability with which you have presided over the republic of Venezuela.

In assuming the duties of the mission to which the President of the United States has been pleased to assign me, permit me at this my first opportunity to tender you my own sentiment of great respect and consideration for your excellency, for the success of your government and the happiness of your people.

[Inclosure No. 2.—Translation.]

MR. MINISTER: It is with pleasure that I receive from your hands the letter accrediting you as minister resident of the United States of America to those of Venezuela.

A diplomatic representative of the most ancient and illustrious of the sister republics must always be sure to command a very kind reception in this nation. She remembers gratefully that when visited in 1812 by a terrible calamity, the Congress of the American federation hastened to her relief in a generous and spontaneous manner. That was the first source of the ties of affection which bind both peoples in close amity. In the process of time, their relations have grown and become stronger by means of treaties and a constant and never changing intercourse. My government has given sufficient proofs of the high esteem in which it holds its good understanding with yours. In that direction it will at all times be met.

Fortunately I have brought to a speedy termination the revolts which during my term of office have threatened the public tranquillity. In so doing I have but responded loyally to the expectation of the people, but the satisfaction I derive from fulfilling my duty is increased by the congratulations of the high magistrate who sends you here; and they inspire me with renewed confidence in the future success of my efforts. I hope that no factious attempt will be able to triumph over the order established for the welfare of the republic.

Yours has taught us that even the most wide-spread and powerful rebellions give way to perseverance in the good cause, and fall at last prostrate at the feet of justice. At that issue, which I doubted at no time, I have rejoiced with all my heart. Would to God that domestic dissensions, only once felt during a life extending through almost a century, should never more recur in that country; wonderful even amid its misfortunes! It will, no doubt, continue prosperously its career of grandeur and glory.

I am most thankful for the felicitations of your President. No less favorably am I impressed with the marks of kindness evinced by you towards the Venezuelan people and government, and towards myself. You are welcome to this friendly republic.

Mr. Stihell to Mr. Seward.

[Extract.]

No. 6.]

LEGATION OF THE UNITED STATES,

Caracas, December 26, 1867.

SIR: On my arrival in Caracas, judging from the tone of *El Federalista* and *El Porvenir*, the only newspapers published in Caracas, and the statements of gentlemen on whom I supposed I could rely, my impressions were, that the rebellion against the established government of Venezuela was at an end, and that peace, order, and quiet had been fully restored. I regret to have to advise you that my information was incorrect, and that a formidable rebellion is now in progress.

The government have about six thousand soldiers in the field, and are increasing the number daily by compulsory enlistment and otherwise. The insurgents have not so many, probably not over four thousand.

The government had advices, on the evening of the 24th instant, of an engagement within about twenty leagues of Caracas, in which the insurgents were routed. It was rumored some days since that the rebels had taken Valencia, a city, next to Caracas, the largest in population of any in the republic, but the report has not been confirmed.

* * * * *

While it may be possible that President Falcon will be able to suppress the rebellion against his government, and to restore peace and quiet to Venezuela, for the present I am satisfied the relief will be of short duration, and that in the end his government will have to give way to an administration no better, and perhaps worse for the people, than his own.

* * * * *

The country demoralized from constant rebellions, business almost

suspended, and the money of the country, if any, garnered up and secreted, no one knowing what hour the government may demand it and take it, by force if need be, unless quietly given up.

The better and more intelligent class of people, and in fact almost every one, have a hope that the American genius of statesmanship will develop some plan by which they may be relieved from perpetual rebellions, revolutions, and dishonest and weak-minded officials, and instead thereof a government of law and order.

The purchase of the islands of Saint Thomas and Saint John's by the government of the United States has led this people to hope that the great republic of the north, in extending its domain and power, may some day, not far distant, add Venezuela to the galaxy of States which constitute the great Union.

I am, sir, very respectfully, your obedient servant,
THOMAS N. STILWELL.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Stilwell to Mr. Seward.

No. 8.]

LEGATION OF THE UNITED STATES,
Caracas, December 28, 1867.

SIR: In 1826 Samuel Hill, a citizen of the United States, and a native of Philadelphia, came to Venezuela in the employ of the Messrs. Dallets, of Philadelphia. He continued in Venezuela and in their employ until his death, which was some time during the year 1833.

When Mr. Hill came to Venezuela in 1826, he brought with him his family, among which was one son, Joseph Hill, then about nine years of age. The son, Joseph Hill, from the date of his arrival till the present time, has continued to reside in Venezuela. A number of years since he married a Venezuelan woman, by whom he has had two sons, aged respectively eighteen and twenty years.

Mr. Hill claims—and it is a fact which can be substantiated, I have no doubt, by excellent proof—that he has never done or performed any act in Venezuela to sever his citizenship from the United States. His sons have been drafted and placed in the ranks of the Venezuelan army, by the compulsory process which this government has adopted of taking recruits wherever they can find them.

Mr. Hill has called upon me several times, and requested my interference with the government of Venezuela for their discharge from service in the Venezuelan army, upon the ground that they are American citizens.

Desiring to act correctly in the premises, I made an examination into such rulings as the State Department at Washington had made in similar cases in Venezuela. I find by dispatch No. 22, of the State Department, bearing date 16th of March, 1860, to the honorable Edward A. Turpin, then minister resident near Venezuela, in response to an inquiry made by him to the State Department dispatch No. 25, of date February, 1860, that General Lewis Cass, then Secretary of State, held that children born in Venezuela of a father who was a citizen of the United States "are declared citizens of the United States." In a later case, that of Thomas Idler, referred to in dispatch of honorable E. D. Culver, then resident minister to Venezuela, No. 47, date of December 15, 1863, the State

Department at Washington, dispatch No. 58, of date January 25, 1864, held that it was "apprehended that it will not be expedient for us further to interfere in behalf of Mr. Thomas Idler, as it has uniformly been held in this country, and especially in several recent cases, that the children of foreigners born here are citizens of the United States."

While I have declined to take any steps in regard to the release of the sons of Mr. Hill until fully advised what course to pursue by my government, the question is an important one in Venezuela, as there are many persons here, born in Venezuela, sons of citizens of the United States, who are now seeking the protection of my government from military duty. They have always acted upon the theory of being citizens of the United States.

I understand that nearly, if not all, the foreign powers represented at this court hold and protect as citizens the sons, although born in Venezuela, of fathers who are citizens of their respective countries. At all events, the question should be definitely settled.

I am, sir, very respectfully, your obedient servant,

THOMAS N. STILWELL.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Seward to Mr. Stilwell.

No. 8.]

DEPARTMENT OF STATE,

Washington, January 27, 1868.

SIR: I have to acknowledge the receipt of your dispatch of December 28, 1867, No. 8, in relation to the claim of two minor sons of Joseph Hill, born in Venezuela, the one twenty and the other eighteen years of age, to be citizens of the United States and exempt from compulsory service in the army of Venezuela. Their father and grandfather, it appears from your statements, emigrated in 1826, and none of the family would seem during the long period of more than forty years to have returned to this country to resume the native allegiance of the grandfather and father.

The young men in question, according to authoritative expositions of our law, were born with the capacity to elect, when they shall arrive at full age, whether they will retain the citizenship in Venezuela to which their birth there seems to entitle them, or will resume their allegiance to the United States which their father's emigration, while an infant, and their own foreign birth, have kept in suspense. Every presumption is now in favor of their intention of continued residence abroad. Should they hereafter give unmistakable evidence of their design to reside permanently in the United States, and subject themselves to the duties and obligations of citizenship, a case will arise in which we may discuss the right of Venezuela to exact military service from them during a temporary sojourn within the jurisdiction of that republic.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

THOMAS N. STILWELL, Esq., &c., &c., &c.

Mr. Stilwell to Mr. Sevard.

[Extract.]

No. 11.]

LEGATION OF THE UNITED STATES,
Caracas, February 6, 1868.

SIR: Since my dispatch of the 26th of December the affairs of this government have become each day more gloomy and uncertain; the rebellion more formidable, and apparently with a much better show of success. The government without one dollar in its treasury, and with no credit whatever, seems less able to suppress the revolution than a month since. The oligarchists, as those are styled who formerly were the adherents and supporters of General Paez, and his administration, during his presidency, constitute about seven-eighths of the wealth and respectability of Venezuela, (and perhaps the proportion is much larger,) favor quietly and secretly the revolt against the government. The federalists—those who sustain the government—consist of those in office—those who think they are making money out of the patronage of the government, and perhaps the army.

* * * * *

Early in January President Falcon broke up his family residence in Caracas, and sent his family and furniture to Coro, his residence at the time of his elevation to the presidency. This act of itself created great distrust in the minds of the federalists, as it was believed that he himself had lost confidence in his ability and power to sustain the government, and in the same ratio the oligarchists were inspired with new hopes and courage.

On the 12th of January President Falcon reorganized his cabinet. As this is done so often that it is almost impossible for the foreign representatives accredited to this government to tell who are and by what name to address the ministers of the different departments of the government, it is not thought that this act will give any additional weight or permanency to his administration. In fact, his new minister of finance, after having held his position for a few days, resigned on the 4th instant, for the reason, as it is stated, that it was impossible for him to attempt to discharge the duties of that office without money, without credit, and without any present available resources whatever, the government indebted to every one almost, who annoy him at all hours and at all places. His place has not yet been filled.

On the 16th of January President Falcon left Caracas, as it was said, to take command in person of the main body of the federal army, which is now at or near Valencia. Recent advices say he is at Port Cabello, and it is thought that he had no intention of taking command of his army, but that the announcement was a pretext to enable him to leave Caracas, and that he will remain at Port Cabello, where he keeps a war steamer, or in the vicinity, so that in the event of a failure to suppress the different factions which now threaten his government, he can escape without much risk to the Island Curaçoa. In the mean time General Miguel Gil, the Vice-President, is discharging the duties of President.

* * * * *

Some time since the claims due French citizens were adjusted, and it was agreed upon the part of the government of Venezuela that seventeen per cent. of all import duties received at the port of La Guayra should be paid directly to the chargé d'affaires of France, each month, to be applied in payment of the amount heretofore adjusted. At a later period, some time in October last, the government made a forced loan,

of one hundred and eighty thousand dollars, of some of its citizens in Caracas; and for the purpose of giving it the appearance of an honest transaction upon the part of the government, and a determination to refund the money with interest, the government agreed and pledged thirty per cent. of all moneys received at La Guayra for import duties, the same to be paid directly to the commissioners of said loan.

On the 19th of December last, again requiring more money, the government being absolutely bankrupt, its soldiers without rations for ten days and more, the clerks in the various departments unpaid, or only partially paid, for months, forced another loan for two hundred and twenty thousand dollars of the merchants and business men of Caracas, pledging the faith of the government that thirty per cent. of all the import duties received at the port of La Guayra should be paid to the commissioners of the loan to secure the payments of this loan, and interest as in the former case. Soon after this loan had been made, and on the 2d day of January, 1868, the government issued a public order, or proclamation, directed to the collector of customs at La Guayra, reciting the fact of its promises, pledges, and assignment, of the three several sums, for the purposes before indicated, and instructing him to pay over from time to time such sums as might accrue under these several pledges and agreements to the persons authorized to receive the same, and yet within a few days thereafter secretly issued an order to the same collector of customs to furnish no statements to any one of the amount received for import duties. The result has been, that the collector refuses to furnish any statement of amount of money received for import duties, or to pay over the amount which the government had pledged. The government, on the other hand, refers the parties in interest to their published proclamation and the collector; while the fact is apparent to every one that the government is daily using the entire receipts of customs without regard to any promise or pledge.

This transaction is only in keeping with all of their public promises and business engagements.

The results of all such double dealing have been, that government securities could not be negotiated at ten cents on the dollar; those having money are sending it to England or France to get it out of the way of the government. Business of every kind is prostrated. The bank of London and Venezuela, and the only one in Caracas, discontinued business and closed its doors on the 1st instant, as the business of the country had so fallen off as to render it impossible to sustain even one bank in Venezuela profitably. More than one-half the improved lands of Venezuela untilled and lying waste; for as long as this rebellion lasts, no one is safe in attempting to cultivate the lands in the interior; then, again, were it safe in other respects, it is impossible to procure labor, as all the farm-laborers of the country, almost without any exception, have been impressed into the army.

I have said nothing as yet about the movements of the army. It is a matter that is almost impossible to tell anything about; the government suppresses everything. It is said they are fighting at some distance from Valencia, and that several fights have taken place in Aragua and Carabobo, with what result is not known, or the number of men engaged.

I had intended and had commenced a dispatch upon the financial condition of Venezuela; but as an official report is being prepared to present to congress, which convenes on the 20th of this month, I have delayed my dispatch upon that subject, for the reason that nearly all my facts and figures would have to be taken from the official reports of last year, and would not be so correct as if delayed until after the meeting of congress.

* * * * *

The mails for this legation I find the department forward by the Dallet line only. This makes the receipt of our letters very irregular, as the Dallet line does not pretend, as I am informed by their agent here, to run with the same regularity as formerly. We would receive our mails much quicker, and much more regularly, if forwarded by the Brazilian line of steamers from New York to Saint Thomas, in closed bags, to the care of the United States consul, by him to be forwarded; and if not too much trouble, it would be much more satisfactory to receive our mails by both lines when their days of sailing are not too near together. We have had but one mail since the 6th of December. I respectfully call your attention to this matter, trusting entirely to your judgment in the matter.

I am, sir, very respectfully, your obedient servant,

THOMAS N. STILWELL.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

This evening, and before mailing the foregoing dispatch, I am advised by the honorable Rafael Seijas, secretary of foreign affairs, that the honorable Jacinto Gutierrez, minister of foreign affairs, had during the afternoon of to-day tendered his resignation. I did not learn that he assigned any reason for his resignation.

I have just learned that the honorable Manuel Murillo, envoy extraordinary and minister plenipotentiary from Colombia to Venezuela, had arrived during the afternoon at La Guayra from Saint Thomas, on the yacht Galgo.

Yours, &c.,

STILWELL.

Mr. Stilwell to Mr. Seward.

No. 20.]

LEGATION OF THE UNITED STATES,
Caracas, March 12, 1868.

SIR: I have the honor to inclose herewith a copy of a dispatch from the honorable J. G. Ochoa, minister of foreign affairs of Venezuela, (with a translation thereof, marked inclosures Nos. 1 and 2,) which dispatch was accompanied by a copy of a proclamation of the acting President of Venezuela, declaring all the ports of Venezuela, from the river Ulnare to Conoma Point, a distance of about six hundred miles, closed and in a state of blockade, a copy of which proclamation and translation thereof is also herewith inclosed, marked inclosures Nos. 3 and 4.

I am, sir, very respectfully, your obedient servant,

THOMAS N. STILWELL.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Señor Ochoa to Mr. Stilwell.

[Translation.]

UNITED STATES OF VENEZUELA, DEPARTMENT OF FOREIGN AFFAIRS, CENTRAL BUREAU—
No. 142.

CARACAS, 10th of March, 1868, 5th and 10th.

SIR: The undersigned, minister of foreign affairs of the United States of Venezuela, has the honor to inform Mr. Minister Resident of the United States of America, hoping

that through his organ it may come to the knowledge of the government and citizens of his nation that the national executive, as appears from the annexed copy of the decree, has declared on yesterday closed and in a state of blockade the part of the Venezuelan coast that extends from the mouth of the river Ulnare to Conoma Point, in the State of New Barcelona.

With such motive the undersigned renews to Mr. Stilwell the assurances of his distinguished consideration.

God and federation.

J. G. OCHOA.

Mr. THOMAS N. STILWELL,
Minister Resident of the United States of America.

[Translation.]

I, Miguel Gil, general-in-chief, primer designado, charged with the national executive office—

A revolt having taken place in New Barcelona against the political institutions which the nation has given itself, and it devolving on the national executive to make use of force and other legal measures in order to re-establish constitutional order—

DECREE.

ARTICLE 1. The coast of the State of New Barcelona, from the mouth of the river Unare to Conoma Point, is declared closed.

ART. 2. The same extent of the coast is also declared in a state of blockade.

ART. 3. If any vessel shall approach any point of the coast mentioned, the blockading force shall notify her of the existence of the blockade, noting in its navigation papers the day and the place, or the bearings in which she was found, and also the notification made. In case of the vessel insisting in her pretension to enter, notwithstanding the notice, or if she presents herself again at said points, she becomes liable to be seized and detained for the corresponding trial.

ART. 4. For the seizure and detention of ships that attempt to sail from the blockade coast, the previous notification prescribed in the foregoing article will not be needed. But if the vessels that attempt to sail from the port of Barcelona should have entered it before forming the blockade, their departure shall not be impeded.

ART. 5. Vessels that convey effects contraband of war, for the coast of Barcelona, or for the insurgents, shall also be seized and detained; unless their captains should agree to deliver them up to the captor, and the latter be able to take the same on board without difficulty.

ART. 6. The commanders of the blockading vessels shall proceed with the ships detained for violation of the blockade, or for carrying contraband goods, in the manner it is provided for in the ordinances respecting privateering of 1822, wherein it is not opposed to the foregoing dispositions, being bound to bring them captured to the port of La Guayra, in order that the federal high court may try them.

ART. 7. This decree shall be notified to whom it may concern, and the minister of war and marine shall take care of its publication and fulfillment.

Given in Caracas on the 9th of March, 1868, 5th of the law, and 10th of the federation.

MIGUEL GIL.

For the acting national executive:

ANTONIO MATA.

It is a copy:

H. TODD,

The Secretary of Marine.

Mr. Stilwell to Mr. Seward.

[Extract.]

No. 23.]

LEGATION OF THE UNITED STATES,
Caracas, March 16, 1868.

SIR: I have the honor to acknowledge the receipt of dispatches Nos. 7, 10, 11, and 12, of January 25, 27, and 28.

It affords me no ordinary pleasure to know that my remarks on presenting my letter of credence to his excellency the President of Venezuela has met with your approval.

I will submit to Joseph Hill the substance of your dispatch (No. 10) relative to the citizenship of his sons; and unless they furnish evidence of their intention to return to the United States to make it their permanent home, no further action will be taken in their behalf.

* * * * *

I am, sir, very respectfully, your obedient servant,
THOMAS N. STILWELL.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Stilwell to Mr. Seward.

No. 27.]

LEGATION OF THE UNITED STATES,
Caracas, April 15, 1868.

SIR: By the constitution of Venezuela, the congress of the republic is to meet on the 20th day of February of each and every year.

This year, however, they failed in organizing the two houses until the 2d day of April, owing to the fact that they were unable to procure the constitutional number for a quorum, although a less number had met and adjourned from day to day, from the 20th of February till the date of their final organization.

On the 3d day of April, the day following the organization of the two houses of congress, a large number of soldiers, disguised in citizens' dress, entered the lobby of the house of representatives, for the purpose, as it was thought, of intimidating those members who were supposed to be hostile to President Falcon and his administration, and thereby secure the election of a first designado, (an office similar to that of Vice-President of the United States,) who should be the friend and in the interest of President Falcon.

The president of the house of representatives, who had been elected the day previous, by a majority of one vote over the candidate brought forward by Falcon, as soon as he made the discovery that the president intended to control the action of congress by force and threats, declared the house adjourned.

President Falcon returned to Caracas on the 25th day of March from Puerto Cabello, but he did not in fact resume the duties of the presidency until the 7th day of April, when, by an arrangement with those in sympathy with the revolutionists, he agreed to reorganize his cabinet by the appointment of gentlemen less objectionable to the opponents of his administration.

In pursuance of this arrangement, on the 8th instant President Falcon announced the following-named gentlemen as composing his new cabinet, viz: Minister for the department of interior and justice, and of public works, citizen Rafael Arvelo; for foreign affairs, José G. Villafañe; minister of finance and public credit, citizen Antonio Varejo; minister of war and marine, General Francisco Mejia. These gentlemen apparently are men of more popularity, ability, and character than their predecessors, and their appointment and acceptance have led the people of Venezuela to hope for a better state of political affairs. I have no faith, however, that the change will lead to any good results.

From the 8th, the date of the organization of the new cabinet, till the 13th instant, when the two houses of congress reassembled, negotiations were constantly going on between President Falcon and his friends on the one side, and those who represent the revolutionary interest on the other. It is thought that some understanding has been reached that will lead to some kind of a compromise and settlement of the pending troubles and difficulties. This conclusion is only warranted, however, by the reassembling of congress, and the appointment of commissioners upon the part the government of Venezuela and the insurgents, to agree upon some general basis of settlement, by which the revolution shall cease, which commission is now in session at Valencia.

Congress has done no business as yet, waiting, as it is thought, for the commissioners to conclude their labors at Valencia.

I am, sir, very respectfully, your obedient servant,

THOMAS N. STILWELL.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Stilwell to Mr. Seward.

No. 34.]

LEGATION OF THE UNITED STATES,
Caracas, May 27, 1868.

SIR: On the 17th day of April, and within two days after the date of my No. 27, the new cabinet resigned, assigning as a reason, that the acceptance of their several appointments was with the distinct understanding that congress were to proceed with their labors with a constitutional quorum. The indications being that such was not to be the fact, they surrendered their portfolios.

The same day the President promptly accepted their resignations, and the secretaries of the different ministers charged with their respective duties ad interim, until the formation of a new cabinet.

From the 17th until the 28th of April the condition and affairs of the government became each day worse, the rebels stronger and more aggressive in their movements on Caracas.

On the 28th President Falcon announced the formation of a new cabinet, it being understood and agreed, prior to its appointment, that one of their number should be elected first designado, a power given by the constitution to the cabinet in the event of the failure of congress to elect, and the person so elected to assume the duties of President; President Falcon agreeing to retire to Coro.

In accordance with this arrangement, on the 29th the new cabinet elected General M. E. Bruzual, the minister of war, first designado, who at once entered upon the discharge of the duties of the presidency, General Falcon leaving on the morning of the next day for Coro.

The rebels, as soon as the new order of things was announced, became more active, and from the 1st of May up to the morning of the 10th, skirmishes occurred almost daily between them and the government troops near Caracas. On the morning of the 6th, General Colma, who was in command of the government forces, marched out of the city with about six hundred men, and gave the rebels battle at or near Las Adjuntas, a place about nine miles, from Caracas. After a few hours' fighting, he fell back to Caracas, the rebels claiming to be victors. The total loss to both sides is variously estimated at from two to four hundred.

Other fights of not much moment occurred on the 7th, 8th, and 9th, the rebels each day approaching more nearly the city.

On the evening of the 9th the rebels, with about three hundred of their forces, came in and took a position on Mount Calvary, within the city of Caracas, apparently without opposition. On the morning of the 10th, soon after six o'clock a. m., the government troops engaged them in battle, which lasted from an hour to an hour and a half, the rebel troops eventually retiring. The loss was about two hundred killed and wounded. It is thought, and perhaps it is true, that General Miguel Antonio Rojas, the commander of the rebel forces, could have taken Caracas had he so desired, as but a small part of his forces was engaged. At all events, it became evident that the rebels would eventually succeed. The result of the fight of the 10th was, that, on Monday, negotiations were entered into by General Manuel E. Bruzual, upon the part of the government, and General Miguel Antonio Rojas, commander-in-chief of the rebel forces, (as he claimed, but in fact of only the revolutionary forces raised and operated in the western part of the republic, General José Tades Monagas, ex-president of the republic, at that time being in command of a revolutionary force which was moving on Caracas, equally as large and more thoroughly equipped and armed, raised in the States of Barcelona, New Andalusia, and Bolivar, being the eastern part of the republic,) which resulted in a "convention of peace" between the government and the revolutionary forces under the command of General Rojas. By the terms of this treaty, it was agreed that General Manuel E. Bruzual should continue to discharge the duties of President, and that General Miguel Antonio Rojas, chief of the reconquering army, (as he styled himself,) should be commander-in-chief of the armies of the western, central, and eastern States, in which revolutionary movements had taken place, the government pledging itself to a remission of all penalties for political offenses, a strict compliance with the constitution, the protection and complete liberty of the elective franchise, and the payment of all debts incurred by the revolution, without regard to which party may have contracted them: the rebels (the patriots as now styled) acknowledging the constitutionality of the present government, pledging the devotion of their army towards its maintenance, their best efforts towards the end of restoring peace, the establishment of constitutional liberty throughout the republic, and a full guarantee of the protection provided by law.

In accordance with this treaty, the rebel General Rojas at once assumed the command of the army of the republic, which was consolidated with the forces previously under his command.

Commissioners were appointed, and dispatched at once, to confer with General Monagas; others to visit the States lately in rebellion to induce them to accept and acquiesce in the treaty. While no definite advices have been received from these several commissioners, the indications now are that the revolution may be said to be over for the present, or at least so weakened in strength and numbers as not to be able to accomplish anything under those who aspire to be its leaders, and to control its movements.

General Manuel E. Bruzual, the President, is a son of Blas Bruzual, who, for several years, represented Venezuela near the government of the United States, a man of fair ability, said to have been an able general, and is reputed to be an honest man.

General Rojas is a man unknown to fame, probably never heard of out of his own immediate neighborhood until the late revolution gave him notoriety as a guerilla chieftain, a man without education, and apparently

without ability ; yet, it is said, he evinced great ability in the late revolution, and was much respected by his followers.

With no great faith in the permanency of any particular administration or treaty of the people of Venezuela, with whom revolution and rebellion against the established government have become chronic, it is to be hoped that the present convention of peace will lead to a more permanent result than those which have preceded it, and that Venezuela may yet be a land of constitutional liberty, of law, and of order ; and that its people, instead of being impoverished by its continual revolutions and fratricidal warfare, may be rich in the possession of a good and stable government, wisely and honestly administered.

I am, sir, very respectfully, your obedient servant,

THOMAS N. STILWELL.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Pruyn to Mr. Seward.

No. 3.]

LEGATION OF THE UNITED STATES,

Caracas, June 18, 1868.

SIR : In the dispatch of the minister resident, No. 34, dated May 27, 1868, there was expressed the hope that the treaty of peace then recently concluded between the contending factions in this country would be permanent. The result has been otherwise. This treaty was not accepted by General Monagas and the revolutionary party in the eastern States of the republic.

Having already in the field a considerable army, he continued his advance on Caracas, (not respecting the treaty which had been made without his knowledge or consent.)

It is reported that he is now within fifteen or twenty miles of the city, with an army of about four thousand men.

General Bruzual, the acting President, is making the most active preparations for the defense of the city. He has now at his disposal about two thousand five hundred men, and is expecting large re-enforcements from the eastern States of the republic, and will probably take the field in person. On the 15th instant he issued a proclamation, which, in effect, was a declaration of martial law. Since then very many of the able-bodied citizens have been seized and forced into the army, and all kinds of available property, including horses and cattle, have been appropriated by the government without scruple. I regret very much to inform you that the persons and property of foreigners resident here have by no means been properly respected.

Outrages of the most high-handed character have, as I learn, been committed.

No American citizens have suffered, that I am aware of. I promptly demanded and procured the release of two, who had been wrongfully arrested and taken to the barracks, to be forced into the ranks of the army. The government are preparing to hold the city to the last extremity. Barricades are building in several of the principal streets, and the government mansion itself is being made ready for defense.

Yesterday, the 17th instant, I attended by invitation a conference of the diplomatic and consular corps, called together by Señor Leal, envoy extraordinary and minister plenipotentiary of Brazil.

There were present the representatives of the Argentine Confederation,

Belgium, Brazil, Chili, Denmark, England, France, Italy, Spain, the United States of America, and the United States of Colombia. I was informed that the object of the meeting was to decide if the diplomatic and consular body should offer their friendly services to bring about an interview between General Bruzual, the acting President, and General Monagas, chief of the insurgent forces. Knowing full well that it was the settled and invariable policy of my government to abstain from all interference in the domestic affairs of other states, I, in common with the representatives of France and Chili, refused to discuss the question until I should be informed that the proposed offer of friendly services was desired by the government of Venezuela.

Thereupon the Brazilian envoy, and the consular officer charged with the interests of the United States of Colombia, were appointed a committee to find out in an unofficial manner the disposition of the government. They immediately made a friendly and informal visit to Mr. Urrutia, minister of finance, at his private residence, where they found also General Bruzual, who declared that he would be very much pleased to accept the proposed offer of friendly services, if made. As the consular officer of Colombia, above mentioned, is known to be on terms of the greatest intimacy with Mr. Urrutia, and as he and the envoy of Brazil went immediately from the conference to the house of Mr. Urrutia, it may be reasonably supposed, especially as they there met General Bruzual, that this government was really desirous of the friendly services of the diplomatic and consular body, although with real Spanish pride and reserve they were too haughty to come out and ask for them in a frank open manner. With this fact in view, I yielded my assent, together with the rest of the minority of the meeting, to the note, a copy of which is herewith inclosed, (marked inclosure No. 1,) offered by the majority, a translation of which is herewith appended, (marked inclosure No. 2.) Copies of this note, the meeting decided, were to be dispatched immediately to Generals Bruzual and Monagas. If either of them refused the offer therein contained, the offer was to be considered as withdrawn from the other. Together with the representatives of France, Chili, and some others, I took the *strongest ground* against any offer or attempt by the diplomatic and consular corps at mediation, intervention, or arbitration between this government and its citizens in armed rebellion. Then it was unanimously declared, as the sense of the meeting, that the offer of friendly services conveyed in the note was only to be considered as an offer to arrange an interview (both parties consenting) between the two distinguished gentlemen therein named. Such interview once established, it was declared that all action in the matter on the part of the diplomatic and consular corps, as a collective body, was to cease entirely. Committees were appointed to deliver copies of the notes to Generals Bruzual and Monagas, and the conference adjourned, subject to the call of the presiding officer, Señor Leal, envoy of Brazil.

If an interview between the opposing chieftains can be brought about, and the present troubles of the country settled without further bloodshed, thanks will be due, among others, to the diplomatic and consular corps at Caracas. Whatever be the result, they will have the consciousness of having used every exertion that their duty permitted in the cause of peace and humanity.

I will endeavor, sir, to keep you fully advised as to all that may transpire here during this important crisis, and meanwhile I have the honor to remain, with great respect, your obedient servant.

ERASTUS C. PRUYN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Translation.]

LEGATION OF BRAZIL,
Caracas, June 17, 1868.

The diplomatic and consular agents resident in Caracas, in view of the critical and delicate situation in which the country finds itself, and of the desires of an adjustment having been frustrated, by which both the government and chief of the eastern militias are animated, and in union with the friendly sentiments of their respective governments towards Venezuela, have authorized the undersigned, envoy extraordinary and minister plenipotentiary of his Majesty the Emperor of Brazil, to tender the government of the republic, as likewise to General José Tadeo Monagas, their unanimous good offices tending to renew the conferences and negotiations for peace, and to avoid the effusion of blood between fellow countrymen.

The diplomatic and consular agents, assured of the elevated and patriotic views of the government and General Monagas, take pleasure in believing that there is only needed a conference in order to realize the pacification that is desired.

The undersigned, while making this announcement to the minister of foreign affairs, renews to him the assurance of his high regard.

FELIPE JOSÉ PEREIRA LEAL.

Most Excellent MINISTER OF FOREIGN AFFAIRS
of the United States of Venezuela.

Mr. Pruyn to Mr. Seward.

No. 4.]

LEGATION OF THE UNITED STATES,
Caracas, June 26, 1868.

SIR: In dispatch No. 3, dated June 18, 1868, it was related that at a conference of the diplomatic and consular corps, held the day previous, committees were appointed to endeavor to arrange an interview between General Bruzual, acting President, and General Monagas, chief of the insurgent forces, then threatening Caracas.

The efforts of these committees were successful. An interview took place on the 19th instant at San Souci, the country house of the consul-general of Hamburg, about three miles east of this city.

Each chieftain was accompanied by a few followers and two confidential advisers. They discussed together nearly the whole day, but were unable to arrive at any agreement; so the affair was left to the arbitrament of battle. On the 20th and 21st instant preparations for immediate hostilities were everywhere visible, and at an early hour on the morning of the 22d the fighting began; the forces of government being estimated at two thousand three hundred men, those of the revolution at three thousand three hundred, all told.

On the 22d battle was given by the government troops at Chacao, a small village just east of Caracas, to the advancing enemy. The government forces were totally routed and fell back, in great disorder, to a strong position within the city lines, the square of the Candelaria, which was fortified with cannon.

On the 23d instant the fighting continued within the city with similar results, the government forces being steadily driven back from stronghold to stronghold, firing from behind fortified windows and barricades, which, in every case, were taken by the determined assaults of the enemy, who, regardless of the deadly fire poured upon them, advanced to victory with irresistible valor.

On the evening of the 24th nothing remained to the government forces, still commanded by General Bruzual, but the government square and the buildings facing on it, comprising, besides private edifices, the government mansion, the cathedral, and the archiepiscopal palace. All of

these were fortified and defended. The whole of the night of the 24th the battle raged fiercely for the possession of these buildings, which were finally taken by the revolutionary forces, in every case by approaching them through the houses in their immediate rear. Before five o'clock, on the morning of the 25th, all was quiet. General Bruzual took refuge in the house of the chargé d'affaires of France, and escaped, in a few hours, to La Guayra. General Colina, one of his chief officers, was taken, wounded, into the British legation. General Aristiqueta, with the remnants of Bruzual's forces, fled to the barracks of La Trinidad, a strong position on high ground, on the northern edge of the city. Being surrounded he surrendered with his men, without firing a shot, on the afternoon of the 25th. The inhabitants of the city, who had remained shut up in their houses during the three days of the siege, came forth gladly on the morning of the 25th, and welcomed the conquering heroes who had delivered them from the unjust and tyrannical rule of the Bruzual government, and among whom were many of their relatives and dearest friends.

Since their entrance yesterday morning, the revolutionary forces have behaved in the most exemplary manner, and are working as hard as possible at burying the dead, removing barricades, cleaning the streets, and restoring the city to its normal appearance.

The inhabitants are busy nursing the wounded in the hospitals and private dwellings. Everything is being done to alleviate their condition. The killed and wounded of both armies are estimated at a total of over one thousand; of these the revolution lost probably three out of every four, owing to their men being exposed in taking the barricades and fortified positions of their opponents.

The city is now under the military rule of General José Tadeo Monagas, commander-in-chief of the revolutionary forces.

It is expected that in a day or two a provisional government will be declared, of which, if it occur, I will have the honor to inform you in due course.

I am, sir, very respectfully, your obedient servant,
ERASTUS C. PRUYN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Pruyn to Mr. Seward.

No. 5.]

LEGATION OF THE UNITED STATES,
Caracas, July 1, 1868.

SIR: On the evening of the 29th ultimo I received a circular (inclosure No. 1) bearing date June 28, 1868, from the provisional government, announcing, as you will see by the translation of the same, (inclosure No. 2, herewith appended,) that they had organized, in accordance with the decree of General José Tadeo Monagas, chief of the revolutionary forces, published in *El Federalista* newspaper, No. 1,450, Caracas, June 27, 1868. A translation of that decree will be found in inclosure No. 3. Inclosure No. 4 contains my reply to the circular of the provisional government above referred to. It will be observed that I merely formally acknowledge the receipt of the circular, as I have not as yet received the formal and solemn assurances I require of the intentions of this government to carry out in good faith its treaties and conventions with foreign powers,

particularly those with the United States. The revolution has been a great success.

I think its permanent triumph is sure. It undoubtedly represents the popular will.

The new government is composed of men of great ability and the highest personal character, chosen without distinction of party, who will administer the affairs of the nation in a constitutional, just, and republican manner.

Bruzual, I hear, has escaped from La Guayra to Puerto Cabello, with one or two war vessels and a few hundred men, with a view, I suppose, of establishing himself there. General Monagas is about to follow by the interior, with a large and well-equipped army, flushed with victory and confident of future triumphs.

I am, sir, very respectfully, your obedient servant,

ERASTUS C. PRUYN.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Señor Villegas to Mr. Pruy.

[Translation.]

UNITED STATES OF VENEZUELA, FOREIGN AFFAIRS DEPARTMENT, CENTRAL SECTION—
No. 1.

[Circular.]

CARACAS, June 28, 1868.

In conformity with the decree promulgated yesterday by the general and chief of the revolution army, and which was published in the *Federalista*, No. 1,450, the individuals appointed to constitute, as ministers, the national executive administration, have assembled to-day at the government house, and have declared it installed under the character of provisional, after having elected the undersigned to preside over them.

The new government intends to fulfill worthily the duties prescribed by the confidence which has been placed in it; and, being among the principal ones to cultivate the good relations of Venezuela with the friendly nations, is happy to inform the commercial agent in charge of the American legation that it will be very satisfactory to him to carry out this purpose.

The undersigned avails himself of this opportunity to present to Mr. Pruy the testimony of his distinguished consideration.

GUILLERMO TELL VILLEGAS.

COMMERCIAL AGENT

In charge of the Legation of the United States of America.

[Translation.]

DECREE.

ARTICLE 1. The heads of the national executive administration shall continue being the same that the letter of the constitution establishes, and shall be presided over by one of the six ministers of the cabinet, whom his colleagues may elect by absolute majority of votes.

Proviso.—The vacancies that may occur in said ministry shall be filled by election and vote in absolute majority of the remaining ministers.

ART. 2. On the members of the ministry being appointed, the minister designated that shall preside over it, and thus reconstituted the national executive power, the latter shall proceed to urge the States to send their senators and deputies to the constitutional congress of 1869, the consequent popular elections being holden.

ART. 3. I appoint to serve the six ministers that the law establishes the following citizens, namely: For that of the interior and justice, Citizen Mateo Guerra Marciano; for that of the treasury, Citizen Marcos Santana; for that of war and navy, Citizen General Domingo Monagas; for that of the foreign relations, Citizen Doctor Guillermo

Tell Villegas; for that of the public works, Citizen Doctor Nicanor Borges; for that of the public credit, Citizen Doctor Antonio Parejo.

ART. 4. Immediately that the citizens appointed have accepted their offices constituting the council of ministers, and appointed who shall preside over it, the exercise of all administrative functions in national affairs ceases on the part of whatsoever other authorities *de facto* or *de jure* at present existing; and the revolutionary forces shall remain under the orders of the national executive, in such form reconstituted.

Proviso.—The actual general-in-chief of the armies of the revolution shall relinquish that character with which he has been invested by the people when the complete pacification of the country and the government thereof, conformable to the federal democratic system, shall conclude the task for the performance of which he has been called to that post.

Let it be communicated and published.

Given in Caracas on the 27th of June, 1868, fifty-eighth of the national independence, and the thirty-eighth of the republic of Venezuela.

JOSÉ TADEO MONAGAS.

Mr. Pruyn to Señor Villegas.

LEGATION OF THE UNITED STATES,
Caracas, June 30, 1868.

SIR: The undersigned, commercial agent of the United States legation at Caracas, has the honor to acknowledge the receipt of your excellency's dispatch, marked circular No. 1, bearing date June 28.

It will afford the undersigned pleasure to reply to its contents in detail at an early day.

The undersigned avails himself of this his first opportunity to assure Mr. Villegas of his distinguished regard and consideration.

ERASTUS C. PRUYN.

HON. GUILLERMO TELL VILLEGAS,

In charge of the Department of Foreign Affairs of Venezuela, &c., &c.

Mr. Pruyn to Mr. Seward.

No. 7.]

LEGATION OF THE UNITED STATES,
Caracas, July 8, 1868.

SIR: I herewith transmit a copy of a dispatch (marked inclosure No. 1,) and a translation thereof, (marked inclosure No. 2,) which I received on the 4th instant from the minister of the interior and justice of the Bruzual government at Puerto Cabello; as also copies of four several decrees, together with the translations thereof, which came as inclosures in dispatch, which are respectively numbered 3, 4, 5, 6, 7, 8, 9, and 10.

I have not replied, as all mail communications between Puerto Cabello and Caracas have ceased for the present.

I am, sir, very respectfully, your obedient servant,

ERASTUS C. PRUYN.

HON. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

[Translation,]

UNITED STATES OF VENEZUELA, DEPARTMENT OF THE INTERIOR AND JUSTICE, SECTION No. 6.

[Circular.]

PUERTO CABELLO, June 29, 1868.

Fifth year of the law, and tenth of the federation.

CITIZENS! I have the honor to address you, and of informing you that the city of Caracas being invaded by factious commanded by General José Tadeo Monagas, to

overthrow the constitutional government, the incumbent of the national executive of the Union, in conformity to No. 16 of the 72d article of the fundamental chart, decided on the removal of the federal district from the expressed city to this of Puerto Cabello, where it finds itself established, performing the functions and discharging the duties which the constitution and laws of the republic assign it.

By the accompanying official bulletin you will be apprised of the appointment of the ministry, and with the other resolutions and decrees issued by this government, that emanate from the events above expressed.

The national executive hopes that you will be pleased to transmit the corresponding notification to the government that you so worthily represent.

I avail myself of the opportunity to reiterate to you the assurance of my distinguished consideration.

God and federation!

G. PAZ.

Hon. Colonel STILWELL,
Minister of the United States of North America.

[Translation.]

I, Manuel E. Bruzual, in charge of the presidency of the United States of Venezuela, considering—

1. That the city of Caracas, appointed as the federal district, has been invaded by the factions commanded by General José Tadeo Monagas;

2. That, by the number 16 of the 72d article of the constitution of the Union, the national executive is authorized to remove transitorily, in such emergency, to the place he may designate; and,

3. That the President of the State of Carabobo has given his assent for the general government to continue exercising its functions in the city of Puerto Cabello—

Do decree:

ARTICLE 1. That, while the city of Caracas finds itself occupied by the mentioned factions, the city of Puerto Cabello shall be appointed as the residence of the national executive.

ART. 2. That the employés of the district invaded by the factions shall proceed to occupy their respective posts in the city of Puerto Cabello, and on not doing so shall be substituted without debarring any other proceeding which may have to be pursued against them, if they have incurred treason.

ART. 3. Let it be published and circulated.

Given in the dispatch hall of the national executive, in Puerto Cabello, on the 27th of June, 1868.

M. E. BRUZUAL.

[Translation.]

I, Manuel E. Bruzual, in charge of the presidency of the United States of Venezuela, do decree:

ARTICLE 1. I appoint as minister of war and navy, citizen General José Loreto Arismendi; as minister of the interior and justice, citizen Doctor Gregorio Paz; for the treasury department, citizen Doctor Pedro Bermudez; for public credit, citizen General Bartolomé Mila de la Roca y Valenzuela; for foreign affairs citizen General José Gabriel Ochoa; and for public works, citizen General Juan Tomas Perez.

ART. 2. Let it be communicated and published.

Given in the dispatch hall of the national executive, in Puerto Cabello, on the 27th of June, 1868.

M. E. BRUZUAL.

[Translation.]

I, Manuel E. Bruzual, in charge of the presidency of the United States of Venezuela, do decree:

ARTICLE 1. I appoint as first chief of the constitutional army, citizen General Pedro Manuel Rojas; and as second chief, citizen General Leon Colina.

ART. 2. That, while the absence of General Leon Colina lasts, citizen General Miguel Gil shall discharge his functions.

ART. 3. That in decrees and resolutions that will be issued separately the other appointments shall be made that may suit the better organizations of the army.

ART. 4. The minister of war is left in charge of the fulfillment of this decree.

Given in the dispatch hall of the national executive, in Puerto Cabello, on the 27th of June, 1868.

M. E. BRUZUAL.

[Translation.]

I, Manuel E. Bruzual, in charge of the presidency of the United States of Venezuela. In consideration that the port of La Guayra finds itself occupied by the faction that General José Tadeo Monagas commands, it being obligatory for this reason to impede all maritime commerce with said port, do decree:

ARTICLE 1. The blockade of the port of La Guayra is declared in all the extent embraced between the port of Colombia and Cape Cordera.

ART. 2. The chief of the national squadron remains charged to carry into effect said blockade, preventing with all the forces found under his orders the arrival of national or foreign vessels on the expressed coast.

ART. 3. The same chief of the national squadron shall make the corresponding notification to the captains of vessels that are bound to La Guayra; and in case that, notwithstanding the notification, they should pretend to violate the blockade, he shall seize them, taking them to Puerto Cabello, in order to be tried according to the laws of the matter.

ART. 4. If, on making the notification and visit to the vessels that attempt to violate the blockade, contraband of war should be found in them, notwithstanding that, by the documents presented, the procedure of the captains should appear justified, because they had not had in the port of their departure, nor in any other point of their transit, any knowledge of the present decree, they shall be in like manner seized and tried according to law.

ART. 5. Let it be communicated to whom it may correspond; let it be published and circulated.

Given in the dispatch hall of the national executive, in Puerto Cabello, on the 27th of June, 1868.

M. E. BRUZUAL.

J. L. ARISMENDI,
The Minister of War and Navy.

Mr. Pruyn to Mr. Seward.

No. 7½.]

LEGATION OF THE UNITED STATES,
Caracas, July 9, 1868.

SIR: I have the honor to report to you that the ninety-third anniversary of our national independence was duly celebrated and respected in this capital.

The flags of the various foreign nations represented here were displayed from their respective legations; also that of Venezuela from the government mansion.

Mr. Villégas, the minister of foreign affairs in charge of the executive power, and also the secretary, Mr. Seijas, together with the diplomatic and consular corps, called on the legation, and the American citizens generally here also paid their respects.

Late on the afternoon of the 4th instant I received a communication from the minister of foreign affairs, informing me that the executive would receive on the 5th instant, that being the anniversary of Venezuelan independence. A translation of the communication above referred to will be found in inclosure No. 1.

On the morning of the 5th, in company with General David M. Tal-
mage, United States commissioner, and one or two other American citizens of distinction, I called at the government mansion, where I found the whole cabinet, presided over by Mr. Villégas, the acting executive, receiving in the grand saloon. I paid my respects to the government in the following terms:

MR. PRESIDENT: In felicitating the government and people of Venezuela, in the name of the government and people of the United States, on this great and joyous anniversary of Venezuelan independence, permit me to observe that this day, however

precious to the people of this nation, and also to those of mine, has a far higher and more solemn import as being an anniversary, and one of most glorious, of the triumph of republican principles.

The capacity of the masses for self-government has been proved by the terrible ordeal of civil war in my own country, and also in yours, Mr. President. In both the result has been equally a triumph of liberal principles. And in the formation of this government, of which you, sir, are the distinguished head, the great doctrine of popular rights has been vindicated, and liberty and justice have been established here on a sure and enduring basis.

I need not tell you, Mr. President, that republican principles are slowly but surely, with irresistible force, spreading over the whole civilized world. The governments of Europe, while still preserving the name and appearance of monarchies, are rapidly becoming subservient to the will of the people, which they no longer dare resist. The great reforms in England, the consolidation of the German and Italian nations, and many other events, apparent to all, conclusively prove this.

Although republican doctrines may be found in the writings of extreme antiquity, yet, sir, before the advent of our Lord and Saviour, Jesus Christ, but little regard was paid by the powerful few to the rights and needs of the suffering masses of humanity.

The sublime example and teachings of our Lord have so purified and inspired the human heart that all men, worthy of the name of men, strive and pray that just and liberal governments may be everywhere established. "Give us," said the immortal Lincoln, "a government of the people, for the people, and by the people, in which all shall have equal rights, without distinction of race or color."

We, Mr. President, may soon pass away from this life, our nations and even our race may perish in the course of events; but, sir, the republican principles of equal rights and popular government, which we profess, will endure as long as human society shall exist, and the Christian religion prevail among men. Permit me, sir, to offer to you and your government the assurances of my most distinguished consideration.

Mr. Villégas replied briefly, in suitable and dignified terms, after which the interview terminated.

Later in the day the legation called on the surviving heroes who fought and bled for Venezuelan independence, Generals Monagas, Soublette, and Blanco, and also on the family of General Paez. This compliment was highly appreciated by them, and handsomely acknowledged by the public press.

I am, sir, very respectfully, your obedient servant,

ERASTUS C. PRUYN.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

[Translation.]

CARACAS, July 4, 1868.

The minister of foreign affairs of the United States of Venezuela salutes attentively the commercial agent in charge of the Legation of the United States of America, and has the honor to inform him that to-morrow is the national holiday on account of the anniversary of the independence of Venezuela, and that the executive will receive at 11 o'clock a. m., at the government house.

Mr. ERASTUS C. PRUYN,

Commercial Agent in charge of the Legation of the United States.

Mr. Pruyn to Mr. Seward.

No. 11.]

LEGATION OF THE UNITED STATES,
Caracas, July 20, 1868.

SIR: Having received, during the fortnight ending July 6, several communications from the United States consul at Puerto Cabello, both of an official and private character, in which were described the terrible state of affairs existing there, that the life and property of foreigners were in daily peril, and that there was an immediate necessity of a United States war vessel to protect our interests at that place, (as you have without doubt heard,) I wrote to the naval officer in command at Santa Cruz, informing him of these facts, and requesting that a man-of-war should be immediately sent to Puerto Cabello. I also mentioned to him the fact that the so-called Bruzual government had declared a blockade of La Guayra and the coast, which, even if legal, I had no idea they would be able legally to enforce. My information and opinions as to both of these matters were in accordance with those of all the foreign representatives and foreign merchants in Caracas, La Guayra, and Puerto Cabello. During the last days of June I had serious thoughts of sending a special messenger, in a vessel chartered for the purpose, to Santa Cruz and Saint Thomas for a war vessel, but as the cost of such a step would have been at least six hundred dollars in United States gold coin, I determined to wait a little longer for the regular packet of July 7, from La Guayra to Saint Thomas.

This packet the government ordered detained for twenty-four hours, until the evening of the 8th, and the special messenger to whom I had intrusted the mail of the legation, including the dispatch to the commanding naval officer at Santa Cruz, was in readiness to embark at that time. It so happened, however, that through some accident or neglect the government order was not obeyed, and the vessel sailed on the evening of the 7th; consequently the legation mail was left behind.

Reflecting on the serious state of affairs in this country, and also bearing in mind the fact that I had already delayed some ten days or more in sending for a war vessel, I determined that it was my duty, particularly as the state of affairs was becoming daily worse, to send at any expense or trouble for a war vessel. The case being so urgent I decided to go in person, everything being quiet in Caracas. I gave the legation in the hands of a confidential friend, an American gentleman of high character. I was not obliged to charter a special vessel, having, after some difficulty, made an arrangement to go to Saint Thomas in a small vessel of about forty tons, together with an agent of this government, who had business there of a pressing nature.

This was much less expensive than taking a special vessel. I left Caracas on the 9th instant, and La Guayra on the 10th. The vessel was of the most miserable and uncomfortable description, very slow and very dirty. She had a bad leak, and the pumps had to be worked very frequently. We arrived at Saint Thomas at six o'clock on the evening of the 14th, having suffered every inconvenience on the voyage.

I immediately saw the acting consul, Mr. E. B. Simmons, of the house of G. W. Smith & Co., who told me that there were no vessels of the United States navy either at Saint Thomas or Santa Cruz, and that the only places to which information could be speedily conveyed, where he thought any of our men-of-war might be found, were Jamaica and Aspinwall. I accordingly wrote dispatches to the United States consuls at both of those localities, conveying information as to the state of affairs in this

country, and asking them to request the nearest officer commanding any United States war vessel to proceed hither immediately. These dispatches went on the 15th instant by the English mail steamer.

I left Saint Thomas on the 16th in the regular mail packet, and arrived at La Guayra late on the evening of the 18th. On the 19th I returned to Caracas and resumed charge of the legation, finding all in order.

I was absent from my post exactly ten days.

I am, sir, very respectfully, your obedient servant,

ERASTUS C. PRUYN.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Pruyt to Mr. Seward.

No. 12.]

LEGATION OF THE UNITED STATES,

Caracas, July 21, 1868.

SIR: In dispatch No. 7, dated July 8, 1868, there may be found, in inclosure No. 10, a translation of a proclamation by the so-called Bruzual government of the "blockade of the Port of La Guayra in all the extent embraced between the port of Colombia and Cape Cordera." I beg to refer you to this, and to the original of the same, (marked inclosure No. 9, in dispatch No. 7,) dated Puerto Cabello, June 27, 1868, and signed "M. E. Bruzual," and also "El Ministro de Guerra y Marina, L. Arismendi." No attempt was made to enforce the blockade until July 11th, on the morning of which day the following war vessels, manned by the partisans of Bruzual, appeared off La Guayra, viz., the steamer Bolivar and the Goleta Mariscal, without giving notice of the enforcement of the blockade to any person. They remained before La Guayra until the evening of the 15th, when they left it, as is supposed, to return to Puerto Cabello, having captured during their stay only two small coasting vessels, loaded with fish and fruit.

On the 11th instant, the members of the diplomatic and consular body called, by informal invitation, at the government house, Mr. Villegas, the minister of foreign affairs, wishing to consult with them about the blockade. Mr. Villegas argued strongly as to its illegality, and appeared anxious that the representatives of foreign powers should declare that they would not respect it. But these gentlemen declined making any declaration on the subject, reserving to themselves the liberty to act as each might deem proper, under such circumstances as should arise.

On the 16th instant a dispatch in relation to the blockade was received at this legation from the minister of foreign affairs, which will be found in inclosure No. 1, and a translation of the same in inclosure No. 2.

I am, sir, very respectfully, your obedient servant,

ERASTUS C. PRUYN.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Señor Villegas to Mr. Pruyn.

[Translation.]

UNITED STATES OF VENEZUELA, DEPARTMENT OF FOREIGN AFFAIRS—No. 82.

[Circular.]

CARACAS, *July 16, 1868, 5 and 10.*

The undersigned, minister of foreign affairs of the United States of Venezuela, has the honor to state to the incumbent of the legation of the United States, conformably to a resolution of the national executive, that the blockade decreed from the port of Colombia to Cape Cordera by General Manuel E. Bruzual is null and non-existent, as well from the want of legitimate power to decree it as from the lack of the requisites that the law of nations demands.

In unfolding the reasons that give rise to this declaration, the undersigned will add some of the arguments that justify him, according to the practice and principles generally admitted.

The capitulation has already been communicated to the incumbent of the legation of the United States, whereby the remainder of the forces of the government that existed in Caracas surrendered to the general-in-chief of the armies of the revolution, and bound themselves to the delivery of the towns of La Guayra and Puerto Cabello, and other points garrisoned by the national forces, of the vessels of the navy and of the elements of war that they might have. The chief of staff stipulated in the name of General Bruzual, who had spoken to several members of the diplomatic body of his disposition to surrender himself, desiring only guarantees for his person. The observation that Bruzual retains General Aristiguieta in Puerto Cabello in the same character of chief of staff, and of his not having contradicted the document which is treated of, gives more weight to this statement. From the instant, when, in virtue thereof, the combat ceased and the chief and the troops benefited by the capitulation remained at liberty, the government that was so called lost its character of a belligerent, without the violation of the word of honor pledged to the fulfilment of an act that all its circumstances rendered sacred, being able to restore it. It is just, then, to consider the faction of Puerto Cabello in the same case in which they would find themselves; for instance, the chiefs of the vessels, if they had risen up, on their own account, against the nation; and if in such mutineers no one would recognize the rights of belligerents, with like parity they must be denied to the others. Now, taking into consideration that they are reduced to one single point, already besieged by numerous forces, and opposed or without support in all the States of the Venezuelan Union; and that they cannot produce any other result than that of augmenting the misfortunes of the country, and prolonging the evils from which the revolution has sprung, with grievous injury moreover to foreign commerce, we are constrained to conclude that they have no authority to decree blockades, nor any other such measures.

As it relates to the blockade of General Bruzual, setting aside its illegitimacy, there would be wanting to it, in the first place, the diplomatic notification, which European powers have not though proper to preclude, as has been seen in the last wars of that continent. It will always be very useful to prevent the ignorance thereof from occasioning damages to the commerce of neutrals.

In the second place, the blockade of the coast being declared from the port of Colombia to Cape Cordera, it is not possible that the presence of one steamer and one schooner would be sufficient to impede effectually communication with the aforementioned coast.

In the third place, the decree commands the chief of the so-titled squadron to prevent the arrival of national and foreign vessels, when the blockade should have for its object to close as well their entrance as their departure; to render impossible, not only commerce, but every species of communication with the place blockaded. Only are vessels permitted to depart that might have entered before the blockade was established.

In the fourth place, it is ordered in the decree that the special notification of the blockade be made to the ships that are bound to La Guayra; but it is not provided that there should be entered on the papers of navigation of the same the day, and the place, or the latitude, in which they may have been found before being notified, as the treaty of Venezuela and France of 25th of May, 1843, in its 19th article requires, and also that which the republic and Denmark signed on the 19th December, 1862, article 17.

In the fifth place, vessels that pretend to violate the blockade shall be seized, and taken to Puerto Cabello, to be tried according to the laws of the matter.

The author of the decree forgot that the only tribunal called to take cognizance of prizes, according to article 89 of the constitution, is the high federal court, and that this body, appointed by congress, continues discharging its functions in Caracas. Any other tribunal whatsoever, created to take cognizance of prizes, would be unconstitutional, so much the more so since the executive has no power to establish them, nor to appoint judges.

In the sixth place, the same decree, which is being analyzed, recognizes, in some manner, in the 5th article, the necessity of the diplomatic notification that it has not before prescribed, and, moreover, orders the seizure and trial of the vessels that attempt to violate the blockade, and in which contraband of war is found.

Here the treaty of Venezuela with the United States is broken, according to which, in its 16th article, ships which carry contraband of war must be left at liberty to pursue their voyage, if their commander offers to deliver it, not being in quantity greater than what may be conveniently received on board the capturing vessel. By the same treaty contraband is declared an object of confiscation, but free and in no manner contaminated by the goods prohibited, the vessel loaded with them, and the rest of the cargo.

The same was stipulated by the treaty in force of this country with Denmark. Finally, the continuity of the blockade would not exist, because of the two vessels thereunto destined, the steamer is not well provided with coal, and in case of making seizures, having to take to Puerto Cabello the ships detained, they would have necessarily to withdraw.

Since the preceding was written, facts have come to confirm the exactness thereof. The supposed blockading vessels steered their course last night for Puerto Cabello, and to-day the steamer *Talisman*, hailing from Liverpool, has arrived at La Guayra, without any hindrance. More than sufficiently founded therefore, is the hope, that the government entertains that the diplomatic and consular bodies will not acknowledge the pretended blockade, extending the protests necessary for the effect, and acting in consequence thereof.

The undersigned, &c., &c. Union and liberty.

GUILLERMO TELL VILLEGAS.

Mr. Pruyn to Mr. Seward.

[Extract.]

No. 13.]

LEGATION OF THE UNITED STATES,
Caracas, July 22, 1868.

SIR: I have the honor to forward herewith, for the information of the department, a communication dated July 7 but received July 18 inclosure No. 1, with the translation of the same, inclosure No. 2, relative to the conduct of General J. M. Aristiguieta, the chief of staff of General Bruzual, before and during the recent siege of Caracas. In inclosure No. 3 will be found a copy of the argument between General Aristiguieta and General José T. Monagas, concerning terms of capitulation, &c., and inclosure No. 4 contains a translation of the same. * * *

I am, sir, very respectfully, your obedient servant,

ERASTUS C. PRUYN.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Señor Villegas to Mr. Pruyn.

[Translation.]

UNITED STATES OF VENEZUELA, DEPARTMENT OF FOREIGN AFFAIRS, CENTRAL BUREAU—
No. 75.

CARACAS, July 7, 1868.

Fifth year of the law and tenth of the federation.

The undersigned, minister of foreign affairs of the United States of Venezuela, has the honor to call the attention of the incumbent of the legation of the United States to the inclosed authorized copy of the convention which, on the 25th of last month, was entered into with General J. M. Aristiguieta, chief of staff of the forces of General Bruzual: a communication which had not been made heretofore, because it was still doubted that the convention, conceded by the generosity of the conquerors, would have been violated to the point of attacking neutral interests.

After the army of General Bruzual became completely conquered within this city, where it had intrenched itself in its rash resistance, those who had taken refuge in the barrack of Saint Carlos proposed to surrender themselves to the conquerors. Their surrender was accepted and guarantees were conceded to them under the stipulations of that covenant, wherein General Aristiguieta in his expressed characters bound him-

self by his word of honor to deliver up all the individuals of the troops and elements of war upon which the government counted, which he had defended, the town of La Guayra, and the forces there existing, and to give orders for the delivery of the vessels of war of the nation, the castle and town of Puerto Cabello, and other points garrisoned by national forces, together with all the elements of war that they might have.

Far from having fulfilled the convention, the conquered took away with them from La Guayra the garrison, armament, and ammunitions, not without first rendering useless the artillery, too cumbersome to transport, and, after seizing the vessels of war, went off to Puerto Cabello.

From the facts set forth, and others that are notorious, it is evidently deduced that no right assists the refugees in Puerto Cabello to decree blockades, nor any other measures hostile to the government of the republic.

As the national executive has information that the herein mentioned legation has received some note relative to the matter, he has deemed it opportune to convey this copy to it, as a new foundation for its ulterior proceedings, which, the undersigned hopes with reason, will be conformable to the principles of justice that have always distinguished the relations of friendly nations with Venezuela.

The undersigned, &c., &c. Union and liberty.

GUILLERMO TELL VILLEGAS.

[Translation.]

The general-in-chief of the armies of the revolution that have occupied the city of Caracas, to the end of causing to cease fraternal bloodshed, and the painful situation that afflicts the country, concedes to all the individuals who have sustained the government of General Manuel E. Bruzual the guarantees that the constitution grants; in consequence, if they should desire to go out of the territory of the republic, passports in that event shall be issued to them.

The same general-in-chief insures and guarantees to General Jesus Ma. Aristiquieta, chief of staff, his departure from the territory by sea, preferring therefor to make use of a national vessel, if there should be any in La Guayra, in which case General Natividad Mendoza shall be the chief of said vessel.

General Jesus Ma. Aristiquieta, in his character of chief of staff of the defensive forces of that government, shall deliver up to the general-in-chief of the armies of the revolution, or to whom may represent him, all the individuals of the troops which he commands, as likewise also the elements of war, upon which the government counted that he has defended.

The same General Aristiquieta, in the character he holds, shall also deliver up the town of La Guayra, with the forces that defend or garrison it, and shall give orders that the vessels of war of the nation, the castle, and town of Puerto Cabello, and other points garrisoned by the national forces, together with all the elements of war that they may contain, be also delivered up to the general-in-chief of the armies of the revolution, or to whom may represent him.

General Aristiquieta, for the fulfillment of what may correspond to him, according to the preceding articles, pledges his word of honor, towards which end, he signs the present act, which is extended in duplicate.

Given in Caracas on the 25th of June, 1868.

JOSÉ T. MONAGAS.
JESUS MA. ARISTQUIETA.

RAFAEL SEIJAS,
The Secretary of Foreign Affairs.

Mr. Pruyn to Mr. Seward.

No. 14.]

LEGATION OF THE UNITED STATES,

Caracas, July 23, 1868.

SIR: I have the honor to forward you a communication, marked inclosure No. 1, with the translation of the same, inclosure No. 2, from this government, concerning certain Venezuelan war vessels now in the possession of Bruzual and his partisans. You will also be pleased to find in inclosure No. 3 a translation of a decree of this government, declaring

that any sale, &c., of such vessels, or of any of them, on the part of Bruzual or his followers, to be null and void.

I am, sir, very respectfully, your obedient servant,
ERASTUS C. PRUYN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Señor Villegas to Mr. Pruy.

[Translation.]

UNITED STATES OF VENEZUELA, DEPARTMENT OF FOREIGN AFFAIRS, CENTRAL BUREAU—
No. 82.

[Circular.]

CARACAS, July 16, 1868, 5th and 10th.

The undersigned, minister of foreign affairs of the United States of Venezuela, executes an order of the national executive by communicating to the incumbent of the legation of the United States, in the hope that, through his respectable channel, it may come to the knowledge of the authorities and citizens of his nation, especially of those who reside in its colonies of the Antillas, the annexed decree, wherein the government notifies that all sales, transfers, or contracts that may be made, for account of the military mutiny of Puerto Cabello, in regard to the steamers Bolivar, Mapararia, and Pururechi, the schooner Mariscal, and whatsoever other vessels of those belonging to the war marine of the United States of Venezuela, are null and of no value.

Not only would such nullity result from the disavowal made by almost all those of the government that was, and that finds itself to-day reduced to the town of Puerto Cabello, this latter event being, nevertheless, in consequence of the infraction of the capitulation which their chief asked for and obtained, and which produced the interruption of the attack of the last barrack of the capital, but also from the following reason: The President himself of the republic, in full exercise of his powers, and without obstacle of any kind, has not, by the federal constitution, the least right to sell, transfer, nor obligate in any other way the national properties. It corresponds, solely and exclusively, to congress, on the strength of article 44, that grants to the legislature the power to pass laws of a general character that may be necessary. And as, according to its articles 104 and 105, all usurped authority is ineffectual, and the acts thereof null, all corporations or authorities are forbidden the exercise of whatever functions that be not granted to them by the constitution or the laws, it follows, without the least difficulty, that the executive is incompetent to sell, transfer, or contract, in regard to the property of the nation. How much more so will be the faction that has risen up with Puerto Cabello and the vessels by the means described.

Lastly, if the President of the Union has assigned in the constitution the power to make contracts of national interest conformably to law, it is under the express restriction of submitting them to the legislature, without whose approving vote they do not acquire any binding force.

The undersigned, &c., &c., &c.

Union and liberty!

GUILLERMO TELL VILLÉGAS.

[Translation.]

I, the provisional executive of the United States of Venezuela, decree:

ARTICLE 1. All sales, transfers, or contracts that may be made for account of the military mutiny headed in Puerto Cabello by General Manuel E. Bruzual, in regard to the steamers Bolivar, Mapararia, and Purureche, the schooner Mariscal, and whatsoever other vessels of those belonging to the war marine of the United States of Venezuela, shall be null and of no value.

ART. 2. The ministers of the interior and justice, and of foreign affairs, remain charged with the execution of this decree.

Given in Caracas on the 14th of July, 1868, 5th and 10th.

GUILLERMO TELL VILLÉGAS.
MATEO GUERRA MARCANO.
MARCOS SANTANA.
DOMINGO MONAGAS.
NICANOR BORGES.
ANTONIO PAREJO.

It is a copy.

RAFAEL SEIJAS,
Secretary of the Department for Foreign Affairs.

Mr. Pruyn to Mr. Seward.

No. 15.]

LEGATION OF THE UNITED STATES,
Caracas, July 23, 1868.

SIR: I herewith send you a translation of a communication, (see inclosure No. 1.) received from this government, relative to the opening of the coasting trade of Venezuela to vessels bearing foreign flags.

In inclosure No. 2 may be found the decree of the government concerning this event, and inclosure No. 3 contains a translation of the same.

I am, sir, very respectfully, your obedient servant,
ERASTUS C. PRUYN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Señor Villegas to Mr. Pruyn.

[Inclosure No. 1.—Translation.]

UNITED STATES OF VENEZUELA, DEPARTMENT OF FOREIGN AFFAIRS, CENTRAL BUREAU—
No. 87.

[Circular.]

CARACAS, *July 17, 1868, 5th and 10th.*

As it appears by the decree, whereof a copy is inclosed, that the provisional executive of the United States of Venezuela has opened the coasting trade to the foreign flags for the term of six months, it being possible that it may happen that some citizens of friendly countries may want to avail themselves of this concession that is proffered to them, the undersigned, minister of foreign affairs of the republic, hastens to inform you of such determination, in order that, being authentically assured of the existence thereof, you may be able to convey the same, if it should be deemed advisable, to the notice of your fellow-citizens, through the adequate medium.

The undersigned renews, &c., &c.
Union and liberty!

GUILLERMO TELL VILLÉGAS.

[Translation.]

We, the provisional executive of Venezuela, decree:

ARTICLE 1. Foreign vessels are permitted to carry on the coasting trade, observing the formalities and requirements established by the law of the 25th of May, 1867, in regard to the matter.

ART. 2. The effects of the provision in the former article in regard to the coasting trade under the foreign flags shall last for six months, calculated from the publication of the present decree.

ART. 3. The minister of the treasury remains charged with the publication of this decree.

Given in Caracas on the 16th of July, 1868. 5th of the law and 10th of the federation.

GUILLERMO TELL VILLÉGAS.
MATEO GUERRA MARCANO.
M. SANTANA.
DOMINGO MONAGAS.
NICANOR BORGES.
A. PAREJO.

It is a copy. For the secretary of the department of the treasury.

J. M. GONZALES,
Chief of the Bureau.

It is a copy.

RAFAEL SEIJAS.
The Secretary of Foreign Affairs.

Mr. Pruyn to Mr. Seward.

No. 19.]

LEGATION OF THE UNITED STATES,
Caracas, August 6, 1868.

SIR: I herewith forward to you inclosure No. 1, a translation of a communication from the government of Venezuela. Inclosure No. 2 contains a paper accompanying the said communication, and a translation of the same may be found in inclosure No. 3. I have no particular comment to offer on the above communications. I believe that the ten per cent. offered is considered very little indeed by the foreign representatives and foreign merchants generally. As a President and a new congress are about to be elected, I venture to suggest to the department the propriety of instructing this legation to try to have some measures taken by them (the President and congress) to expedite the payment of foreign liquidation claims, particularly those of citizens of the United States. The minister of foreign affairs has desired me to request my government to accept the ten per cent. arrangement, stating that, as soon as congress meets, the present government will request that body to take measures calculated to facilitate the payment of foreign claims. The minister of foreign affairs has also requested me to ask of my government that they should instruct the representative of the United States at Paris to induce (conjointly with the representative of England, Denmark, the Netherlands, Italy, and Spain, if possible) the government of France to accept the ten per cent. arrangement above mentioned. All of which is respectfully submitted.

I am, sir, very respectfully, your obedient servant,
ERASTUS C. PRUYN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Señor Villegas to Mr. Pruyn.

[Translation.]

UNITED STATES OF VENEZUELA, DEPARTMENT OF FOREIGN AFFAIRS, CENTRAL BUREAU—
No. 139.

CARACAS, 4th August, 1868, 5th and 10th.

The republic enters upon a new era. The nation, tired of seeing the most pressing necessities of all governments neglected, even those of its own existence and honor, showed itself discontented and distressed, clamored for the remedy, and her complaints not sufficing to obtain it, at last she rose up in arms and overthrew the rulers who had placed their will instead of the law. The reform of the public treasury is one of the principal objects of the triumphant revolution. It would not fulfill this part of its programme, it would not resuscitate credit without restoring its value to official speech, without paying the most profound respect to what is called *public faith*, without doing justice to all rights. Here is what the men charged provisionally with the general administration intend. As they proceed with perfect good faith, not pretending to undo to-morrow the work of to-day, they have devoted themselves to the study of the fiscal situation, and, after frequent and mutual consultation, have decided upon the plan contained in the basis annexed. It is what they are able to offer as the result of their investigations, and of their desire to discharge satisfactorily the duties that they have contracted. Scanty have been the receipts of the custom-houses, which constitute the only revenue of the union, and scanty will they continue to be; but such as they are, the executive will divide them integrally among those who may have a title to partake of them, in proportion to what corresponds to each one. If it were possible to satisfy them at once, nothing would afford greater pleasure. And to-day circumstances inevitably prescribe another course. The government delivers to its creditors what it has in order that they may go on paying themselves in a slow but sure way,

without the fear of sudden and unexpected suspensions. The delay in the payments will become sufficiently compensated with the solution of the corresponding interest, as even great and opulent nations practice it, *that*, so long as they insure the interest on the capital loaned, do not think it important to provide for its redemption. It thinks that the principles of the strictest honesty prescribe such conduct as well to nations as to individuals; and that the creditors, in their equity, cannot but assent to the inclosed proposition. The government does not find itself in full and peaceable possession of the custom-houses, nor has the resistance terminated of the partisans of the fallen power. The expenses of the war are equally considerable and urgent. Nevertheless, even in the midst of their difficulties, the administration of the national interests turn their sight towards the conventions infringed, the foreign affairs neglected, bankruptcy, and want of confidence looked upon with indifference, and as if it were to form a permanent state; and as a consequence of all, the glorious name of Venezuela divested of the considerations which were once extended to it. To raise it up from this prostration, redeem its fame, insure the benevolence of friendly nations, this is the object aimed at. For so rational as just a purpose the co-operation and countenance of the contracting governments must be relied upon and they are relied upon, the which will not forget the crowd of old and new obligations that continue overwhelming the treasury, and which, if they remained buried and completely forgotten, would justify him *who* should bring against the revolution the charge of its not having realized the principles that it inscribed upon its banner, which inflamed patriotism, and led it on to victory.

On the other part it is evident that the effects of moral sentiments, of upright intention, of probity and a sense of honor, are always deserving of support.

We cannot refrain from doing that which, causing us no detriment, redounds to the benefit of others. What shall be our duty when we are asked for a thing that, if it benefits another, consults equally our own interests?

Such is the plan proposed, the adoption of which will effect, to the end of redeeming the liabilities of the republic, what is impossible to reach by any other means.

It will be put into execution when the embarrassments referred to terminate. Witness of the events of the republic, and endowed with the knowledge and impartiality necessary to judge of them correctly, it is to be hoped that the incumbent of the legation of the United States will present to the view of his government a faithful picture of the situation, which must, doubtless, have much influence in the manner of entertaining the annexed basis.

The undersigned, minister of foreign affairs of the United States of Venezuela, avails himself of this opportunity to renew to Mr. Pruyn the assurance of his distinguished consideration.

Union and liberty.

GUILLERMO TELL VILLÉGAS.

MR. ERASTUS C. PRUYN,
Incumbent of the Legation of the United States.

[Translation.]

Bases which are proposed :

First. The government of the republic, inspired with the desire of cultivating the most honorable and cordial relations with foreign governments, and the necessity of attending to international reclamations, already adjusted, or in the way of being so, that ascend to several millions of pesos, and after having taken into account that the ordinary revenues of the republic from imports cannot be calculated now for more than \$4,000,000 per annum, and that the general arrangement of the treasury demands the equitable distribution of the national income, so that all the liabilities that weigh upon the treasury may be attended to as far as possible, at same time as the indispensable administrative service; believes it can only apply ten per cent. of said income for the reduction of international claims.

This assignment will produce at present about half a million of pesos per annum, but the preservation of peace would very shortly augment the figures. For the most urgent expenses of the public service sixty per cent. is required, with the remaining forty the different branches of the public debt are to be attended to.

As this can be graduated to \$75,000,000, without including that arising from diplomatic conventions, and this latter will reach to \$5,000,000, it is easy to comprehend the advantage that is conceded to it with respect to the other. It is proper, moreover, to bear in mind that in the thirty unities appropriated to the public debt of another character, foreigners will also have benefits, because some kinds of it belong to them entirely, and in the other they are interested for a large part.

Second. This basis being accepted by the foreign creditors, the government will proceed to settle and liquidate at once all reclamations pending, to the end that the men-

tioned fund of ten per cent. of the ordinary income from importations be applied, in the first place, to the payment of the interest of the whole debt, and in the second place, to its redemption, rated at so much per pound, until it becomes definitively paid off.

Third. For said appropriation of ten per cent. the government draws its orders for all the custom-houses to deliver it to the commissioners whom the creditors may designate, authorizing them to discount the notes at the current rate in each market.

Fourth. For the greater convenience of the creditors, and with the object that they may be able to put into circulation their respective titles, the government will ask the national congress for its authorization to issue titles of international public debt to the amount of claims; the interest and redemption of which should be paid in accordance with the preceding bases.

Mr. Pruyn to Mr. Seward.

No. 21.]

LEGATION OF THE UNITED STATES,

Caracas, August 6, 1868.

SIR: Yesterday, the 5th instant, I attended, by invitation, a conference, at the government mansion, between the minister of foreign affairs and the diplomatic representatives. There were present, besides his excellency, Mr. Villégas, the minister, the representatives of Brazil, England, Italy, Spain, and the United States. The minister said that he had invited us to meet with him to consult in reference to the presence of a war vessel of the Bruzualists in front of La Guayra, the steamer Maparari. He stated that, as we knew, there was a French war vessel at La Guayra, and that the French minister had gone there to consult with the commander of the same. He, the minister of foreign affairs, requested us to ask the French minister to detain his war vessel to protect foreign commerce in the waters of La Guayra. We, accordingly, each sent to him, the French minister, dispatches from our respective legations, making the above request in a qualified manner.

To-day I visited the French minister, Mr. A. Forest, who had returned from La Guayra, at his legation in this city, and he informed me that he considered it his duty to dispatch immediately the French war vessel above mentioned to Puerto Cabello, where it will arrive to-morrow or the day following.

With great respect, I have the honor to be, sir, your obedient servant,
ERASTUS C. PRUYN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Pruyn to Mr. Seward.

No. 22.]

LEGATION OF THE UNITED STATES,

Caracas, August 6, 1868.

SIR: I beg to call your attention to the necessity of an occasional visit of a United States war vessel in the waters of Venezuela.

It is needless to enlarge on the desirableness of such a step. If the department would be pleased to instruct this legation to keep up a communication with the commanding officer of our naval forces in the West Indies, and if that officer should receive instructions from the Navy Department to keep this legation informed, from time to time, as to the whereabouts of the vessels of his squadron, it would, I believe, be easy

for this legation to obtain the presence of a man-of-war in these waters when necessity might require. And the naval forces might also be relieved from the trouble and expense of paying useless visits here when not required.

I am, sir, very respectfully, your obedient servant,
ERASTUS C. PRUYN,

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Pruyn.

No. 3.]

DEPARTMENT OF STATE,
Washington, August 22, 1868.

SIR: Your dispatch of the 18th of June, No. 3, has been received, and it is found very interesting. The government and people of the United States are affected with profound sorrow by the new revolutionary convulsions which have occurred in Venezuela. Your report of the proceedings which you adopted in concert with other diplomatic and consular representatives at Caracas for the purpose of favoring the restoration of peace has been carefully examined.

It gives me pleasure to say that you seem to have manifested on that occasion proper moderation, discretion, and comity.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ERASTUS C. PRUYN, Esq., &c., &c., &c.

Mr. Seward to Mr. Pruyn.

No. 4.]

DEPARTMENT OF STATE,
Washington, August 22, 1868.

SIR: I acknowledge the receipt of your dispatch of the 1st of July, No. 5, which paper gives us very full information of the success of the revolution at Caracas, and of the establishment there of a provisional but military government. The forbearance which you have practiced in your correspondence with the provisional authorities was judicious and proper. You will for the present refrain from any formal recognition of the revolutionary authorities and on that subject will await directions from this department. This instruction, however, must not be understood as preventing you from holding informal communication with the *de facto* public authorities upon any matters which concern this government or affect the rights or interests of any citizens of the United States. If an explanation of this policy shall become necessary, it will be sufficient to say that, on the one hand, the United States do not deny the right of a people to change the forms of their republican government, even by revolutionary means if they find it necessary; nor, on the other hand, do they prematurely commit themselves to any new revolutionary government before it is manifest that the new government has been deliberately and fully acknowledged and accepted by the people.

What the United States always most earnestly desire, in regard to the

South American republics, is, that they may acquire settled habits of law, order, internal peace, and tranquillity.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ERASTUS C. PRUYN, Esq., &c., &c., &c.

Mr. Seward to Mr. Pruyn.

No. 6.]

DEPARTMENT OF STATE,

Washington, August 22, 1868.

SIR: I acknowledge the receipt of your dispatch of the 8th of July, No. 7, together with certain papers thereunto annexed. Those papers are, first, a copy of a circular letter, which was addressed and transmitted to you on the 29th of June by Señor G. Paez, in which circular it is set forth that, the administration of General Bruzual having been forcibly dispossessed of Caracas, the capital of the United States of Venezuela, that government had removed itself to Puerto Cabello, and established itself there; and also that Señor Paez was acting in the capacity of minister for the departments of the interior and of justice. Second, a decree, made the 29th of June by General Bruzual as President of the United States of Venezuela, declaring Puerto Cabello should be held and occupied provisionally as the capital of the republic. Third, a similar decree of General Bruzual, appointing heads of departments for the government of Venezuela at Puerto Cabello. Fourth, a similar decree of General Bruzual, appointing generals to command the armies of Venezuela. Fifth, a similar decree of General Bruzual, declaring a naval blockade of so much of the Port La Guayra as extends on the sea-coast from Cape Cordera to Port Colombia.

The military occupation of Caracas by a *de facto* government, antagonistic and hostile to the government of General Bruzual, excuses you from formally acknowledging the reception of the papers thus enumerated; nevertheless, if occasion shall seem to require, it will then not be improper for you to let it be known in an unofficial and informal way that those papers were received by you, and transmitted to this department.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ERASTUS C. PRUYN, Esq., &c., &c., &c.

Mr. Seward to Mr. Pruyn.

No. 7.]

DEPARTMENT OF STATE,

Washington, August 22, 1868.

SIR: I have your dispatch of the 9th of July, No. 7½. It contains an interesting account of the demonstrations which took place on the occasion of the anniversary of American independence, and also of the ceremonies which occurred on the succeeding day, namely, the 5th of July, which is the anniversary of Venezuelan independence.

These observances, which show that a lively interest in the cause of republican institutions is entertained by the people of Venezuela, are

peculiarly gratifying. It is sincerely hoped that the expectations of peace, prosperity, and order, which were expressed by you on a later occasion, may prove to be well founded.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ERASTUS C. PRUYN, Esq., &c., &c., &c.

Mr. Seward to Mr. Pruyn.

No. 10.]

DEPARTMENT OF STATE,

Washington, August 22, 1868.

SIR: I have received your dispatch of the 20th of July, No. 11. In that paper you relate to me that, under the pressure of civil distractions which are prevailing in Venezuela, you left Caracas on the 9th of July, made a voyage to St. Thomas, and returned on the 19th to Caracas, and that the object of that voyage was to procure some United States ship of war to visit the Venezuelan ports. With the better knowledge which is possessed here of the occupation of the North Atlantic squadron, it is not a matter of surprise that you failed to effect a communication with the admiral or other naval officer. The conception of your voyage was loyal and patriotic, and your proceedings are not disapproved. At the same time I respectfully suggest, for your considerate reflections, that, as a general rule, a consular, like a diplomatic officer, may expect to render most effective service by always remaining steadily at his post of duty. The highest wisdom of a diplomatic or consular agent in scenes of civil war consists in preserving coolness, equanimity, and impartiality between contending factions.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ERASTUS C. PRUYN, Esq., &c., &c., &c.

Mr. Seward to Mr. Pruyn.

No. 14.]

DEPARTMENT OF STATE,

Washington, August 22, 1868.

SIR: Your dispatch of the 6th of August, No. 21, has been received. It informs me that, in common with the representatives of Great Britain, Italy, and Spain, you have entered into a correspondence with the French minister at Caracas, in which he was requested, in a qualified manner, to detain a French ship of war, at the time lying at La Guayra, and that the French minister has answered that he is unable to comply with the request.

Diplomatic agreements between agents of foreign powers, hastily gotten up in a foreign country, under the pressure of revolutionary dangers, may be entirely erroneous in their objects, as they must be incomplete in form, and unreliable for want of adequate authority. Moreover, they unavoidably tend to produce international jealousies and conflicts. You will, therefore, carefully abstain from entering into any such negotiations, except in extreme cases, to be immediately reported to this department.

The circumstances under which the proceeding now under consideration has taken place being entirely unknown to this department, I regret that I am unable to express definitively any opinion upon the propriety

thereof. As a general rule, representatives of the United States in foreign countries are expected to refrain from formal consultations or conferences with the representatives of other foreign countries. It is always to be remembered that any agreements which may be made by such representatives are likely to prove invalid, because they must take on the character of a treaty between the United States and other nations, while the Constitution of the United States expressly declares that no treaty shall ever be made between the United States and any other foreign state except by the President, with the consent of the Senate of the United States.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

• ERASTUS C. PRUYN, Esq., &c., &c., &c.

Mr. Seward to Mr. Pruyn.

No. 18.]

DEPARTMENT OF STATE,
Washington, August 24, 1868.

SIR: I have received your dispatch of the 6th of August, No. 19, with its accompaniment, which is a communication from Señor Villégas, minister for foreign affairs, in which that minister submits to the United States for their consideration a plan for a gradual liquidation of the fiscal obligations of the republic of Venezuela; the which plan, if found acceptable by foreign creditors, it is supposed may be put into execution when the present revolutionary embarrassments of the country shall have terminated.

The plan seems to have been conceived in a spirit of justice and patriotism. At this distance, however, from Venezuela, it does not yet appear that the provisional government established at Caracas has become either so comprehensive in its jurisdiction, or so well consolidated, as to enable it to guarantee the national consent to a final arrangement for the extinction of the public debt. Moreover, it may be expected that a national congress or legislature will soon be convened by the provisional government, for the purpose of reorganizing and reconstructing the constitution of the republic. Under these circumstances, this government thinks it expedient to delay, for the present, the definitive consideration of the plan submitted for its consideration by the provisional government at Caracas, and await the hoped-for close of the existing revolution.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ERASTUS C. PRUYN, Esq., &c., &c., &c.

Mr. Pruyn to Mr. Seward.

No. 26.]

LEGATION OF THE UNITED STATES,
Caracas, September 4, 1868.

SIR: The last dispatch which I had the honor to address to you concerning the revolution in this country was No. 4, dated June 26, 1868. Soon after that date, as you have already been informed, a provisional government was established, which has ever since been working most admirably, being conducted with order, regularity, ability, and activity.

All, natives and foreigners, seemed to be satisfied with it. The army of the revolution, under General José Tadeo Monagas, as commander-

in-chief, pursued its westward march. Valencia fell an easy prey to its irresistible power. The siege of Puerto Cabello was a more serious affair, the town being strongly defended by the Bruzualists who had established their so-called government there. They held the castle, situated on an island in the harbor, and had also at their disposal two or three war steamers. The siege lasted about ten days; the fighting was severe. The revolutionists lost fifty killed and one hundred and fifty wounded; the Bruzualists forty killed and seventy wounded.

At about 1 a. m., on the morning of the 15th ultimo, the Bruzualists, their ammunition being entirely exhausted, and the supply expected from Curaçoa not having arrived, abandoned Puerto Cabello, and fled in their steamers to Curaçoa, carrying with them their chief, General Bruzual, insensible from a wound made by a rifle ball two days previous, and who afterwards died at Curaçoa.

Our consuls at Puerto Cabello and Curaçoa have doubtless furnished you with the details of the events above recited.

The army of the revolution continues its westward march, but meets with little resistance. In thirty days, I think, the whole republic will be under control of the provisional government, which has, as far as I can learn, strictly respected the local rights of the States.

Never was there a revolution so triumphant. No candidate for president in the approaching election is named but General José Tadeo Monagas, and even in the candidates for state offices there is no opposition, except from members of the same party. As you are well aware, sir, there are no more impartial observers of political events in any community than the intelligent and wealthy merchants, particularly foreign merchants of respectability, who take no part in local politics, but who watch them carefully, having heavy interests at stake, which are almost certain to be affected by any change in the political barometer. In view of this fact, I deem it proper to send you a translation of a letter (see inclosure No. 1) from the principal merchants of La Guayra, both native and foreign, to General José Tadeo Monagas, commander-in-chief of the army of the revolution, on his arrival there after the capture of Puerto Cabello. Nothing, in my judgment, could be a stronger proof of the permanent triumph of the revolution. General Monagas, who is over eighty years of age, is in a very poor state of health. He is expected in Caracas in a few days.

General Guzman Blanco has arrived from Europe. It is not yet known if he intends to take any active part in politics. General Falcon remains at Curaçoa, and is said to be about to sail for Spain, with the intention of settling there. The period fixed by the constitution for the election of a new President will arrive during the next month, October; but I have been informed that the elections, I know not why, have been postponed until the month of November.

This city and this State appear to be very well governed under the new regime. All is orderly and quiet. Trade and commerce are gradually reviving. The revenues of the government are slowly increasing. The capture of Puerto Cabello gives them the profits of the customs dues received there, which are, of course, very considerable. I will endeavor, sir, as I have heretofore done, to keep you informed, from time to time, as to the state of affairs here.

Meanwhile, I have the honor to remain, with great respect, your obedient servant,

ERASTUS C. PRUYN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Translation.]

LA GUAYRA, August 31, 1868.

SIR: The merchants of this city hasten to tender to you their cordial felicitations on your welcome arrival here, they being unwilling that so favorable an opportunity should pass by without a manifestation of those sentiments of respect and regard which they entertain towards you.

From the very moment the late revolution began, a revolution which has changed the political condition of the country, we observed, as its most prominent feature, your beneficent and controlling influence.

After a long life, passed almost entirely amid the cares of office and the arduous duties of the field, when your advanced age demanded repose, when you had arrived at that period of life at which men usually lose all worldly ambition, and also become indifferent to the conflicting aspirations of others; being thus situated, what idea, we ask, what incitement was it, that urged you on with the valor and buoyancy of your youthful days to brave anew the hardships and hazards of war?

Surely it must have been a powerful motive that aroused you to action—indeed, you have said that it was.

It was your patriotism of spotless purity; nothing else could have induced the sacrifice of your unpretending tranquillity.

Your motives of action thus explained, we could not refrain from watching your steps, during the campaign begun by you in the east of the republic, with the greatest attention and an interest worthy of the importance of the events that transpired.

The policy which this revolution tends to establish, a policy in support of which you have taken arms, is of such an elevated character that we deem it the only one acceptable and necessary for the salvation of the country. To unite all Venezuelans, to organize a government, this is the only difficulty; solve this, and the result will be restoration of credit to the government, of life to commerce, of activity to the arts, of joy to the domestic hearth, of abundance for all; in short, it will be the resurrection of the country.

The sensible men of all parties who have given their support to this revolution, and the rest of the community, converted by the fidelity of the revolutionists to their declared policy, will join you, you may be sure, in every hour of trial; for, sir, it is peace that we all demand, and the aspirations of every one are unalterably fixed for its being established and made permanent. Commerce, on its part, which can only exist and flourish under the shelter of peace, will not spare its support to a government that establishes itself upon the solid and effective principles of order and economy; and it hopes that you, because you have so promised, will not sheathe your sword until you see the republic marching on with uninterrupted progress in the broad path of honor and prosperity.

The blue flag borne aloft by the revolution has up to the present waved over triumph after triumph; the object of the war will soon be accomplished. In the onerous undertaking of organizing a government, when peace shall have been established, we wish you success equally as happy.

May it be granted to you to soon see realized your desire for the security and tranquillity of the republic—a desire towards the realization of which you are making every patriotic effort, for indeed security and tranquillity are elements necessary to the very life and welfare of nations.

Meanwhile, accept, sir, the renewed expressions of consideration and respect with which we subscribe ourselves, your obedient and faithful servants,

BLOHM, NOLTING & CO.
RUETE, LESEUR & CO.
H. L. BOULTON & CO.
H. LANGE & CO.
GONELL BROTHERS & CO.
ALEYANDER FLEURIS.
MARTUREL BROTHERS & CO.
PARDO, DE SOLA & CO.
L'CE, ROTHE & CO.
ORTO WINCKLEMAN & CO.
H. G. SCHIMMEL & CO.
C. HELLMAND & CO.

And nearly all the other principal native and foreign merchants of importance and respectability.

To the highly praiseworthy General JOSÉ TADEO MONAGAS,

Commander-in-chief of the Armies of the Republic.

Mr. Pruyn to Mr. Seward.

No. 30.]

LEGATION OF THE UNITED STATES,
Caracas, September 10, 1868.

SIR: I have the honor herewith to forward you (see inclosure No. 1) a copy of a dispatch addressed by the minister of foreign relations of this government to the consul general of the Netherlands, residing here, in reference to the course of the authorities of the island of Curaçoa in regard to Venezuelan affairs.

In inclosure No. 2 may be found a translation of the same communication.

I have the honor to remain, sir, your obedient servant,
ERASTUS C. PRUYN,
Commercial Agent in charge of the Legation of the United States.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Señor Villégas to the Consul General of the Netherlands.

[Translation.]

UNITED STATES OF VENEZUELA, DEPARTMENT OF FOREIGN AFFAIRS—NO. 178.

CARACAS, August 28, 1868,
Fifth year of the law and the tenth of the federation.

SIR: During the rebellion of a part of the United States of America the federal government, having complained of the privileges allowed in the Dutch colonies to vessels of the south, instructions were dispatched by the order of his Majesty the King of the Netherlands to the authorities of the same not to permit any more visits of the Sumpster, nor of any other vessels of the so-called Confederate States, and, on their entering the ports of the Netherlands, to oblige them to depart within twenty-four hours, under penalty of their being considered as enemies.

They were also prohibited from supplying fuel to any such vessels for more than twenty-four hours.

Lastly, they were ordered not to admit, except in the case of stress of weather, the vessels of war or privateers of the belligerents, and not to allow them, if steamers, to take in coal in a greater quantity than that sufficient to navigate twenty-four hours.

The governor of the neighboring Dutch colonies has told the confidential agent of Venezuela that he desired to observe, in the differences that are again agitating this nation, the strict rules of neutrality, in the same terms that his government prescribed in the civil war of the northern and southern States of North America; a war to which, in the judgment of said functionary, the actual political situation of the republic has, on a small scale, a very considerable resemblance. Even supposing the parity which is spoken of, and the obligation of regarding the one and the other as belligerents, what has been practiced at Curaçoa does not conform to the standard that the governor invokes.

Indeed, the rebel vessels have constantly gone to the Dutch islands, have departed when they thought proper, have been supplied with the fuel that they required or as much as could be furnished them, and have not arrived there through stress of weather, but intentionally.

It is notorious that, ever since the representatives of General Falcon, in violation of the treaty that put an end to the combat, after having been allowed to depart from Caracas on the day in which their defeat was consummated, and after having gone away and taken refuge in Puerto Cabello, have had no other means of carrying on the war than those afforded them in the Dutch colonies. Two schooners, dispatched from them with coal, muskets, powder, lead, and clothing, and which, moreover, conveyed rebellious generals and chiefs, were seized by the forces of the government.

To-day there does not even exist the appearance of the government that pretended to claim the title of legality.

With the capture of that town that government was completely destroyed. He who considered himself in charge of the executive died; two of his ministers were left in Puerto Cabello; the other two took each one a different direction; so that even discard-

ing the facts that preceded, in virtue of which they capitulated and relinquished their official character, they ceased in their functions by reason of their second defeat, flight, and dispersion.

There are not, neither have there before existed, two governments, one in Caracas and another in Puerto Cabello.

The provisional executive administration, the only one that is at the head of the republic, has been established and accepted by the greater part of it. Sufficiently do the results prove this. It rules as much in the capital as in Puerto Cabello, since those cities were conquered, which were defended with all possible force, but surrendered to the superior strength of the revolution.

The popular co-operation, given to this present government proves that it is the will of the masses that all opposition to its authority shall cease.

As to foreign states, the question is a *de facto* one; they have to virtually acknowledge the government that they find in possession of power. But even if legitimacy were to be treated of, that, in a republic, depends solely upon the will of its citizens.

It is true that there are appointed forms by which to manifest the popular will, and that the executive, regardless of the origin of sovereignty, has ordered their employment; but this does not lessen the force of the general insurrection that has obtained such signal triumphs.

Well the Netherlands know, even by its own experience, that no other is the practice of nations.

The foreign diplomatic and consular agents treat only with this government, which they have acknowledged, about all matters that interest their respective nations. How this could happen is not to be comprehended, if, indeed, this government does not represent Venezuela.

It has, without limitation, the right to defend the interest of the republic; and, in the exercise of this right, the government is justified in taking all proper measures needful to restore the Union to a state of order and tranquillity, and also to demand of other powers what is due it from the same.

Even on the hypothesis that there were here, truly, a civil law, the principle is obvious and universally admitted that the territory of a neighboring, neutral foreign power is inviolable; and that the belligerents are bound to refrain from therein committing any act of hostility, or any other act in contravention of the lawful jurisdiction of the sovereign of such territory, or of the lawful rights of the legal occupiers of the same; they only professing the right to take action of any kind as may seem fit and proper to them in such territory, a right the use and abuse of which are in them solely vested.

In accordance with this principle, it happens that when a body of foreign troops passes the frontiers of a neutral state, the sovereign thereof grants it asylum, but assumes control of the men, compels them to disarm, and designates the locality in which they shall remain during their sojourn in his dominions. He there has them watched and controlled, or, at all events, takes such measures as effectually prevent them from taking any active part in the war which may then be raging.

In accordance with the same principle, drafting, the transit of armies, the formation of expeditions, warlike preparations, revolutionary meetings against a foreign government, battles and captures, ambuscades, retreats, (with a view of resuming hostilities,) the construction and arming of vessels of war and privateers, all military operations, the augmentation of the crews of the war vessels of any foreign belligerent, or the increase of the caliber of their cannons, even when an asylum has been granted them, the purchase or embarkation of fire-arms, the property of private individuals, or of munitions of war, the transportation of an enemy's troops, or dispatches, &c., are prohibited on neutral soil.

It is, then, in contravention of the principles of neutrality that General Falcon has established a center of operations at Curaçoa, and is there receiving and sending dispatches, and orders, and commissions, directed to various places in Venezuela, with the design of therein creating anarchy.

In a similar manner, at Curaçoa, coal, fire-arms, munitions of war, powder and clothing, are sold to and for the rebels, who are there encouraged and incited to arms by him. The doctrines of neutrality above alluded to are sanctioned by Hautefeuille in treating of peaceful commerce in goods contraband of war.

It is also true that the rebel vessels, belonging rightfully to the national navy, are supplied in Curaçoa, without stint, just as they wish, with provisions, fuel, and such other articles as they may require.

In the same manner expeditions, planned and executed by generals and other chieftains, are formed and dispatched, sometimes in Venezuelan vessels, sometimes in Dutch vessels—expeditions in aid of war in the territory of a nation that is on actual terms of peace and amity with the Netherlands. It is also true that the authorities of Curaçoa, formerly so severe in their conduct towards foreigners, including Venezuelans, now receive and grant every facility to our enemies, who via that island pass over into those parts of the country where rebellion prevails; and these same authorities take no steps to prevent the abuse of the privileges of asylum by the persons above alluded to.

It is no less contrary to neutrality that the rebel vessels are allowed to enter and remain, as long as they like, at Curaçoa and the other islands, contrary to the very orders of his government, which the governor quotes in support of his course of action.

These are very serious facts. They have occupied the attention of the executive for some time past. The public press have commented upon them. Had not the aid above alluded to been granted, the rebel vessels would have already been surrendered. Hence it also follows that a portion of the (Dutch) colonial commerce, extremely favored by the preceding régime here, is profitably speculating upon the misfortunes of Venezuela.

For the sake of the good relations existing between the two countries, the executive hopes that an immediate end will be put to so lamentable a state of affairs. He demands, moreover, that it be ordered that the steamers and any other vessels of the national navy that may now be in the Dutch colonies, or which may hereafter therein arrive, be restored to the United States of Venezuela. He bases this demand on the fact that no person but he represents the ownership of them. Every proprietor has the right to recover his property wherever it may be found.

The executive himself has no right to dispose of the public property.

These vessels having forfeited the right of flying the flag of the republic, she is not responsible in any way on their account. The policy which has been pursued towards this country by foreign governments serves to support the present demand.

In 1836 the reformers took away from the national magazine at Puerto Cabello a great quantity of powder, lead, cannons, and other articles, which they shipped on board of the schooner *Mezelle*, with the view of selling them in the Antilles, and of exchanging the product of such sale for provisions. On the demand of the executive, the governor of St. Thomas, the functionary of a state that so well knows, and has always so well defended the rights and duties of neutrals, not only ordered the cargo of that schooner to be detained and guarded, but also sent the same vessel and cargo back to La Guayra, intact. When, in the year 1866, the steamer *Bolívar* ran away, the agents here of friendly governments recommended, on request, to the governors of the islands to place an embargo upon her, and to send her back here. The governor of Antigua so acted, and effected her restitution. All assented to the justice of the demand made.

The administration hopes, that you, taking as you do so deep an interest in the good understanding which prevails between both nations, and enjoying, as you do, so weighty an influence with the governor of the colonies, will represent to him the just claims of Venezuela, and will persuade him to take such course of action towards her as may be necessary for the rightful satisfaction of these demands. I renew to you the assurances of my distinguished consideration.

Union and liberty!

GUILLERMO TELL VILLÉGAS.

The CONSUL GENERAL of the Netherlands.

Mr. Pruyn to Mr. Seward.

[Extract.]

No. 31.]

LEGATION OF THE UNITED STATES,

Caracas, September 21, 1868.

SIR: In dispatch No. 19, dated August 6, 1868, I had the honor to call your attention to a proposition of this government in regard to the payment of foreign claims. (See dispatch No. 19, inclosure No. 2.) On August the 12th a collective note, (a copy of which may be found in this dispatch, inclosure No. 1,) in answer to the bases proposed by the Venezuelan government, (see dispatch No. 19, inclosure No. 2,) was sent to the minister of foreign relations, signed by the representatives of Spain, Italy, Great Britain, the United States of America, the Netherlands, and the United States of Colombia. Knowing that my action in this matter could in no way compromise my government, I was induced to join in it to show my belief that the government of Venezuela could not pay her outstanding foreign claims if the French were to continue to receive seventeen per cent. of the import dues taken at the custom-houses in

La Guayra and Puerto Cabello. The income of the government may be estimated at not more than four millions of pesos.

Of this sixty per cent., or two million four hundred thousand pesos, are required for its ordinary expenses, leaving forty per cent., or one million six hundred thousand pesos, to go towards the payment of its internal debt and foreign claims; the former including all kinds, amounting to about seventy-five million pesos, and the latter, roughly estimating unsettled claims, to eight million pesos. Now as there are only four custom-houses which yield any considerable revenue, namely, those at La Guayra, Puerto Cabello, Ciudad Bolivar, and Maracaibo, * * * therefore, if the French are to receive seventeen per cent. of the revenues of the two former, it follows of course that the government will have little or nothing left to divide among the claimants of other nations. But it is to be remembered that if the French can be induced to give up their special advantages, the United States will be expected to do the same, in order that all the foreign claimants may be placed on an equal footing, if possible, in the terms of the collective note, (for a translation of which see this dispatch, inclosure No. 2.) The answer to that note may be found in inclosure No. 3, and a translation of the same in inclosure No. 4. This government is, as I suppose, not in a position to do anything. The election for President will take place not later than November, and congress, it is said, will meet on the 15th of December.

The Yellows, or partisans of the late government of Falcon and Bruzual, are said to be actively conspiring with Curaçoa as their headquarters. They still have two or three war vessels, which are said to be refitting at Maracaibo.

Guayana has declared in favor of this government, a great acquisition of strength.

The poverty of Venezuela is her strength. Her prosperity depends upon agriculture. Commerce cannot flourish, except with the former; agriculture has been almost destroyed by the civil wars, commerce greatly depressed: consequently little revenues from custom dues, and the treasury is almost empty. An honest and able administration has to keep up a considerable army. The employés are put on half pay, but there is no money left to pay the interest on the debt, external or internal. The government now has possession of the three custom-houses at Ciudad Bolivar, La Guayra, and Puerto Cabello; could they gain that at Maracaibo, and obtain possession of the war vessels, their income might come up fully to the amount of four millions, (pesos,) and they could then safely reduce their army one-half, and thus considerably diminish their expenses. Hoping, for the sake of both Venezuelans and mankind, that a season of peace and prosperity is about to be enjoyed by this long-suffering people, I have the honor to remain, sir, with great respect, your obedient servant,

ERASTUS C. PRUYN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Translation.]

CARACAS, *August 8, 1868.*

Whereas the government of Venezuela is authorized by article 12 of the law of the 14th of June, 1868, (in regard to the organization and administration of the national treasury,) to adjust finally pending claims, and to carry into effect the obligations against the republic arising therefrom, the undersigned have the honor to state to

Señor Doctor Villégas, minister of foreign affairs of the United States of Venezuela, that they will submit to their respective governments the bases proposed by that of Venezuela, in the circular of the department of foreign affairs of the 4th instant, provided those bases be modified in the following terms :

1. The settlement and liquidation of pending claims shall be proceeded with at once by means of mixed commissions. Each shall be composed of two individuals, one appointed by the government of Venezuela, and the other shall be the representative of the government interested in the claims, unless the latter should appoint a special commissioner. In the cases in which the commissioners may not agree, they shall establish the manner to be adopted to obtain a decision upon the point in controversy. When the respective commissioners agree in awarding any indemnity, they shall fix the amount that ought to be paid, and shall issue a certificate or title for the same in the form adopted by the mixed commission that has acted in the adjustment of Anglo-American claims. There shall also be issued titles for the amount of claims already acknowledged, and for those that may be acknowledged in virtue of another manner, agreed upon in any other convention of a previous date.

2. The titles which are issued shall bear six per cent. interest per annum, falling due and payable quarterly, and shall have for their redemption, which shall take place in quarterly payments, a fixed fund, equivalent to two per cent. of the capital of all the titles issued, until the discharge of the whole debt. So that, the amount of the claims acknowledged being known, six per cent. interest is insured every year, and two per cent. for the redemption, or say, eight per cent. per annum of the capital acknowledged as a fixed and uniform fund until its complete extinction. The sinking fund being augmented by the surplus that, on account of interest, remains on hand, from the second quarter of the first year for the part redeemed.

3. Said eight per cent. shall be denominated international-claims fund, which shall form an assignment of the percentage of the import duties at the custom-houses of the republic sufficient to produce the sum necessary to cover the eight per cent. mentioned.

4. If the government of Venezuela accepts these propositions, they shall be obligatory on the part of the republic as towards the governments that may approve them.

The undersigned renew to Mr. Doctor Villegas the assurances, &c., &c., &c.

ANTONIO L. DE CEBALLO.

GEORGE FAGAN.

J. VISO.

DELAVILLE.

ERASTUS C. PRUYN.

ROLANDUS.

Doctor GUMILLERIO TELL VILLEGAS,

Minister of Foreign Affairs of the United States of Venezuela.

Señor Villégas to Mr. Pruy.

[Translation].

DEPARTMENT OF FOREIGN AFFAIRS, CENTRAL BUREAU.

CARACAS, September 12, 1868,

5th of the Law and the 10th Federation.

The undersigned, minister of the foreign affairs of the United States of Venezuela, had the honor to receive, in due course, the collective note that, on the 12th of the past month the chargé d'affaires of Spain, Italy, and Great Britain, the commercial agent in charge of the legation of the United States of America, and the consul general of the Netherlands, and the vice-consul of the United States of Colombia, addressed to him.

Therein they manifested that they would submit to their respective governments the bases of settlement proposed by that of Venezuela on the 4th of August, provided that they were modified in the terms expressed by them.

The provisional executive had trusted that the plan which had been proposed to assign the ten per cent. of the ordinary import duties of the custom-houses of the republic to the payment of diplomatic claims, according to the proposition that was made to all the parties interested, would be generally admitted. Certainly he knew of the existence of the convention that appropriates seventeen per cent. of the duties of La Guayra and Puerto Cabello to the claims of France; but notwithstanding, he abounded in reasons to think that she would accede to the modification of the settlement.

The chargé d'affaires of that country has not thought that the orders to which he is

subjected would permit him to do more than to refer the principal question to his government, and has continued demanding with earnestness the resumption of the payments.

The executive has seen himself under the necessity of so promising; and as he is thus deprived, in benefit of a few creditors, of what he deliberated to grant to all, there is wanting for the present the basis of his calculations.

He has decided to continue his exertions, in the hope of seeing realized his original idea, to wit: that the ten per cent. be accepted by all, offered for foreign claims. But while he does not know what will be the termination of the negotiations that he has undertaken, he cannot respond definitely in regard to the particular.

If, unfortunately, it should not be conformable to his hope, he will substitute another mode of payment that may be satisfactory to the creditors, until the former one can be carried into effect.

This will not prevent the preparing for acting upon the claims of each country, according to the special conventions that may have been concluded, or may be entered into with them, they thus respecting their rights and doing justice to all claims.

The undersigned renews to Mr. Pruyt the assurance of his distinguished consideration. Union and liberty!

GUILLERMO TELL VILLÉGAS.

Mr. E. C. PRUYT,

Commercial Agent in charge of the Legation of the United States.

Mr. Pruyt to Mr. Seward.

No. 33.]

LEGATION OF THE UNITED STATES,

Caracas, September 29, 1868.

SIR: I have this day received your dispatches Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20.

I have given most careful attention to the instructions in dispatch No. 4, in reference to the course to be pursued by me as regards a recognition of this government. To procure a continuance of the mixed commission I was compelled to pursue the course I did towards this provisional government. There was no time to await for instructions from the department, as the commissioners had determined that they had no right to remain in session after August 30, 1868. It was most important that the claims of our citizens, reaching as far back as 1812, should be decided.

The uprising of this nation in revolution was so general and so irresistible that, as far as human foresight could go, the conclusion was inevitable that the people would deliberately and fully acknowledge and accept the provisional revolutionary government.

The revolution has everywhere triumphed, unless it be in the far western State of Maracaibo, or Tulia, as it is now called, where State President Sutherland has always acted independently of the general government. He is rich, and has a considerable army, and, it is said, rules almost despotically.

I am of the opinion that this government will make an arrangement with President Sutherland, by which the latter will give them a formal recognition, in return for which they will agree to leave him practically undisturbed. He will, perhaps, give up a portion of the custom-house receipts at Maracaibo, all of which should rightfully go into the national treasury. It is possible, however, that the army of the revolution, now in the west, may continue their march, and arrive at and capture Maracaibo.

The coming election of a new President and new congress, in the manner prescribed by the constitution and the laws—both of which are treated with all possible respect by the present provisional government—will set at rest all difficulty as regards a recognition of the government.

General Falcon, who was elected President in 1862, has abandoned the country, and gone to Spain. General Gil, who was first designado, or vice-president, fled to Curaçoa. General Bruzual, who, in the absence of the vice-president, was chosen by his colleagues in the cabinet, (he being then minister of war,) to act as president, was fatally wounded at Puerto Cabello, and died at Curaçoa. So it appears to be very doubtful if there is any technical legal executive of this republic.

General José Tadeo Monagas, commander-in-chief of the revolutionary forces, is the candidate of the "blues," or revolutionists, for President. He has already twice filled that high office. His election is a foregone conclusion.

The "yellows," or partisans of the late government, may go through the ceremony of nominating a candidate, although they have not the slightest hopes of gaining the election. A considerable minority in congress is all that they aspire to.

If my course of action towards this provisional government appears to have been somewhat premature, and too friendly, I can only say that I felt it my duty to protect and assist the mixed commission in every way possible. My efforts in their behalf were crowned with success, and my very friendly course towards the provisional government has given me a certain influence with the leaders of the revolutionary party which may be of service to American interests here in the future. I feel sure that my promptness and cordiality will not be without good results.

I shall endeavor to observe, most carefully, your instructions; and I have the honor to remain, sir, your obedient servant,

ERASTUS C. PRUYN.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Pruyt to Mr Seward.

No. 35.]

LEGATION OF THE UNITED STATES,

Caracas, October 1, 1868.

SIR: I have read with great care your dispatch No. 14, dated August 22, 1868, in reply to mine (No. 21) of August 6, 1868, giving an account of a request made to the French minister to detain a French ship of war then at La Guayra. I am much obliged for the statement of the policy of the government which you are pleased to give, and shall endeavor, in every way possible, to conform my course of action to it. In all conferences with other foreign agents I have distinctly stated that I had no power to act definitively in the name of my government, or to bind, in any way, my government by my action. I have expressed a willingness to consult with my colleagues, and to use such influence as my position gave me, both with my own government and that of Venezuela, to further all legitimate ends within the limits of my official duties.

I do not find, in the printed instructions to diplomatic agents, any statement directing the "representatives of the United States in foreign countries to refrain from formal consultations or conferences with the representatives of other foreign countries."

The only agreement I have made with other foreign diplomatic agents was an agreement to recommend a certain plan of paying foreign claims to this government, and, if they accepted it, to recommend the same to

my government. I do not understand your instructions to go so far as to prohibit such a course of action on my part as the last mentioned; but I shall, in future, exercise great caution, and endeavor to follow the spirit of your directions.

As you state, in speaking of the request made to the French minister to detain his ship of war at La Guayra, that the circumstances under which the proceeding above referred to had taken place are entirely unknown to the department, I will now give you all the information in my possession on the subject.

The Bruzual government at Puerto Cabello issued a declaration of blockade of La Guayra and the coast, dated June 27, 1868. No attempt was made to enforce this blockade until July 11, on the morning of which day the following war vessels, manned by the partisans of Bruzual, appeared off La Guayra, viz., the steamer Bolivar, and the goleta Mariscal, without giving notice of the blockade to any person.

They remained before La Guayra until the evening of the 15th of July, when they left and returned to Puerto Cabello, having captured, during their stay, only two small coasting vessels. The blockade was not resumed until August 5th, when it only lasted two or three days, during which time, I believe, no captures were made by the Bruzual blockading war steamer, the Maparari, which was obliged to return to Puerto Cabello, to aid the hard-pressed partisans there, who were forced to abandon that city on August 15th.

The legality of the blockade, carried out in the manner above mentioned, was seriously questioned. In inclosure No. 10, dispatch No. 7, may be found a translation of the decree of General Bruzual, declaring the blockade. It is asserted that the 4th article of that decree is in violation of the 19th article of the treaty between the United States and Venezuela of September 20, 1854.

During July and August, several of the foreign representatives here, including myself, endeavored to obtain the presence of war vessels of their respective nations in the waters of Venezuela. None were successful except those of France and Denmark; a French man-of-war visited La Guayra early in August, and a Danish one about the middle of the same month. During the stay of the French vessel at La Guayra occurred the blockade beginning August 5th. This government and the foreign representatives here, doubting its legality, the policy related in dispatch No. 21 was followed. I felt most anxious that there should be an independent, powerful, and reliable witness to watch the proceedings of the blockading force, because vessels from the United States were likely to approach the port of La Guayra.

You will be pleased to notice that I sent to the French minister a separate dispatch from this legation, for a copy of which see inclosure No. 1. There was no joint note sent him by the foreign representatives. If he had granted the request, and had detained the French ship of war, I should have looked upon it merely as an act of international courtesy and good will, in no way compromising the independence or dignity of the governments whose representatives had asked the favor.

I shall be glad to receive any further comments you may be pleased to make upon the transaction explained in this dispatch and described in dispatch No. 21.

I have the honor to remain, sir, very respectfully, your obedient servant,

ERASTUS C. PRUYN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Pruyn to Mr. Forest.

LEGATION OF THE UNITED STATES,
Caracas, August 4, 1868.

SIR: Considering that the presence of the steamer *Maparari* before La Guayra is a menace to foreign commerce, and having good cause to believe that in a short time merchant vessels of my nation will arrive at that port, I request of you, since you have a man-of-war at your disposition, to give all possible aid and assistance to such ships, if occasion requires.

Any similar service that I can render you will not only be my duty but my pleasure.
Yours, faithfully,

ERASTUS C. PRUYN,

Commercial Agent in charge of the United States Legation, Caracas.

A. FOREST, Esq.

Mr. Pruyn to Mr. Seward.

No. 36.]

LEGATION OF THE UNITED STATES,
Caracas, October 3, 1868.

SIR: I have to communicate to you the painful intelligence that on the 1st instant a most dastardly attempt was made to assassinate the acting President and minister of foreign relations, Señor Guillermo Tell Villégas, while in the discharge of his official duties at the government mansion. Fortunately the would-be murderer was seized before he could execute his atrocious design. In inclosure No. 1 may be found the official account of the affair, and in No. 2 a copy of a dispatch on the subject which I addressed to this government.

I am, sir, with great respect, your obedient servant,

ERASTUS C. PRUYN.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

[Translation.]

UNITED STATES OF VENEZUELA, DEPARTMENT OF THE INTERIOR AND OF JUSTICE,
SECOND BUREAU—DISPATCH No. 274.

CARACAS, October 1, 1868,

5th year of the Law and the 10th of the Federation.

To the Citizen President of the State of Bolívar:

An atrocious act, unparalleled in the history of Venezuela, has just been perpetrated. An individual named Francisco Solerè, having forced his way into the hall of dispatch of the national executive in spite of the porter's efforts to detain him, and being armed with a revolver, approached the citizen minister of foreign relations and President of the council, Dr. Guillermo Tell Villégas, (then in his appropriate chair,) and addressed him in the most insulting language, and threatened to kill him. And if the contemplated murder was not consummated, if the august precinct of the supreme executive magistrate was not dyed with the blood of a minister, it is owing to the presence of the minister of war and marine, and to the secretary of this department, who, having heard he assailant utter, on entering the government mansion, words that revealed his terrible design, followed him and arrived most opportunely.

A crime of such magnitude merits the most exemplary punishment, or else the majesty of the nation will suffer the profoundest humiliation, and its rightful authorities be shorn forever of its prestige and moral force, without which there can exist neither government nor order in any country of the universe. There is only one thing that can counteract the painful impression that this deed has produced in this outraged community, and that is, that this act shall be promptly investigated, and that the punishment which the culprit deserves shall be inflicted by the magistrates to whom the law commits the sacred function of administering justice.

My object in addressing this note to you is, that you may urge them on to the fulfilment of their duty, hoping that you will be pleased to inform me of the measures that may be taken, for the executive has determined that the matter must be thoroughly carried out to its proper termination.

Union and liberty!

MATEO GUERRA MAREANO.

A true copy:

NICANOR BOLET PERAZA,
The Secretary of the Department.

Mr. Pruyn to Señor Villégas.

LEGATION OF THE UNITED STATES,
Caracas, October 2, 1868.

SIR: The undersigned, in charge *ad interim* of the legation of the United States, has heard with sentiments of the deepest concern of the dastardly attempt made yesterday to assassinate your excellency while in the discharge of your high official duties.

The government and people of the United States, who cherish among their fondest aspirations the wish that the sister republic of Venezuela may always enjoy peace and prosperity, will be profoundly grieved to learn that there has been found one—even a foreigner—within the borders so unutterably wicked as to attack a great and good personage occupying the highest position among those who are endeavoring to regenerate the republic and restore her to her former state of happiness and grandeur.

The people of the United States have not forgotten the great grief and heart-felt sympathy manifested by Venezuela in the hour of their affliction when, by the hand of the murderer, the soul of their beloved Chief Magistrate, Abraham Lincoln, was sent back to God, and other great and good men, who had aided him in the glorious work of saving the life of the nation, were laid low at death's door by the same infamous means.

The undersigned begs to express the feelings of satisfaction and joy which the government and people of the United States will experience on hearing that the Divine Providence which watches over the affairs of men has delivered you from deadly peril, and he also begs to join in their fervent hope that the same almighty power may grant your excellency a long and happy life, in order that you may pursue the patriotic path, already so familiar to you, of self-sacrificing public duty, which, although you do not seek it, leads to that highest pinnacle of human glory, the approbation of a free people.

ERASTUS C. PRUYN.

HON. GUILLERMO TELL VILLÉGAS,
Minister of Foreign Affairs, &c., &c., &c.

Mr. Pruyn to Mr. Seward.

No. 38.]

LEGATION OF THE UNITED STATES,
Caracas, October 5, 1868.

SIR: In dispatch No. 19 I forwarded to you a certain financial proposition of the Venezuelan government, and in dispatch No. 31 the same question was again treated of. I now submit for your consideration (see inclosure No. 1) a copy of a dispatch I to-day sent to the minister of foreign relations, in reply to his note of September 12, 1868, a translation of which was given in inclosure No. 4 of dispatch No. 31. As far as I can judge, the views you were pleased to express in dispatch No. 18 have

been borne out by subsequent events. This government have just appointed a minister to France, who will endeavor to induce the French government to give up their especial treaty-privileges, which of course they will not do.

I will report in due course any further information that I may be able to obtain on this question. Meanwhile I have the honor to remain, with great respect, your obedient servant,

ERASTUS C. PRUYN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Pruyne to Señor Villégas.

LEGATION OF THE UNITED STATES,
Caracas, October 5, 1868.

The undersigned, commercial agent in charge of the legation of the United States, has the honor to acknowledge the receipt of your dispatch No. 181, dated September 12, 1868, in which you are pleased to reply to the collective note addressed to you by the representatives of several foreign powers accredited to the government of Venezuela, (including the undersigned,) dated August 12, 1868, in regard to the bases of settlement of foreign claims proposed in the circular of the Venezuelan government, dated August 4, 1868. Your excellency has stated that the government of Venezuela has found it necessary to prepare to recommence giving seventeen per cent. of the import duties of La Guayra and Puerto Cabello towards the payment of the French claims.

You are also pleased to state that you cannot give a definite response to the collective note above mentioned until the result is known of the negotiations in this financial question which have been begun with the government of France.

The undersigned is gratified to observe, as the cardinal basis of the propositions of the Venezuelan government, the declared intention of satisfying those sacred national obligations which the former rulers had so entirely neglected to consider. In your propositions the undersigned has not been able to find any condition in which is declared that they must be accepted by the chargé d'affaires of France before they can become effective. The earnest and persistent efforts of the representative of France for the re-establishment of the payment of the seventeen per cent. aforementioned were well known to the public before August 4th. So it is reasonable to suppose that your excellency had considered the financial relations of Venezuela towards France previously to dispatching the propositions addressed that day to several foreign agents, including the undersigned. If the undersigned rightly apprehends this financial question, it appears that the government of Venezuela proposed a basis of settlement on the 4th of August, omitting in its communication on this subject of that date addressed to foreign agents the statement subsequently made that it was bound by certain solemn treaty obligations with France, and that unless these were given up by the government of that country, the propositions in question could not be carried into effect. The undersigned, in reporting these matters to his government, has made particular mention of the great desire manifested by the government of Venezuela for the prompt payment of the just claims due foreigners.

The undersigned has, however, up to this date, been unable to recommend to his government the abandonment on their part of the terms of the treaty of April 25, 1868. The undersigned begs to renew to Señor Villégas the assurances of his distinguished consideration.

ERASTUS C. PRUYN.

Hon. GUILLERMO TELL VILLÉGAS,
Minister of Foreign Affairs, &c., &c., &c.

Mr. Hunter to Mr. Pruyne.

No. 24.]

DEPARTMENT OF STATE,
Washington, October 21, 1868.

SIR: I have received your dispatch No. 31, of September 21. In it you call attention to a proposition made by the government of Venezuela

in reference to the payment of the claims held by foreigners against that government.

Inasmuch as Venezuela declares itself to be not yet in a position for carrying out its proposition for the assignment of customs duties as communicated in your No. 19, the consideration of the proposal will be deferred until it shall have been renewed or modified by that government.

I am, sir, your obedient servant,

W. HUNTER,
Acting Secretary.

ERASTUS C. PRUYN, Esq., &c., &c., &c.

Mr. Pruyt to Mr. Seward.

No. 43.]

LEGATION OF THE UNITED STATES, •
Caracas, October 30, 1868.

SIR: In dispatch No. 36, dated October 3d, 1868, was conveyed the intelligence of an attempt made to assassinate the acting President, Mr. Villégas. There was also therein inclosed a copy of my note to this government in reference to that event, a reply to which I have this day received. I transmit herewith a copy of the same in inclosure No. 1, and a translation thereof in inclosure No. 2.

I am, sir, very respectfully, your obedient servant,

ERASTUS C. PRUYN.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Señor Villégas to Mr. Pruyt

[Translation.]

DEPARTMENT OF FOREIGN RELATIONS, CENTRAL BUREAU—No. 244.

*CARACAS, October 27, 1868,
The 5th year of the Law and the 10th of the Federation.*

Owing to the illness from which he has been suffering for many days past, the undersigned, minister of foreign relations of the United States of Venezuela, regrets that it was not in his power to reply until now to the communication that the incumbent of the legation of the United States of America addressed to him on hearing of the murderous assault of which the undersigned was the object.

It is with the most profound sentiment of gratitude that the undersigned has become apprised of the interest that Mr. Pruyt took in the event, and of the indignation that he manifests against the wretch who conceived and attempted to carry out so wicked a design at a time and in a place where the undersigned was discharging his official duties.

The criminal, uninfluenced by any consideration of right or duty, proceeded in his evil purpose, and almost accomplished it, although he had not received the slightest provocation of any kind whatsoever.

Venezuela will always remember with grief the lamentable death of the ill-fated President, the most excellent Abraham Lincoln, and the treacherous attempts that put in peril the life of the Secretary of State, and also that of his assistant and son. This sentiment was suitably testified to through the minister that she had accredited at Washington, and likewise through the United States minister then in Caracas.

It is to be hoped that the condemnation that every just man makes of such attempts, impressing a seal of shame and ignominy upon the brow of him who dares to commit them, will contribute more than any other punishment to cause their total cessation for all time to come.

Having no other aspiration than to contribute to the welfare of his fellow-citizens,

the undersigned has made every patriotic effort in his power to that end, so important and so worthy of the best endeavors, and he considers it as his most satisfactory reward that his efforts are thus recognized in the most kind and flattering terms by so distinguished a personage as Mr. Pruy, to whom the undersigned, availing himself of this opportunity, renews the assurance of his distinguished consideration.

Union and liberty!

GUILLERMO TELL VILLÉGAS.

MR. ERASTUS C. PRUY,

Incumbent of the Legation of the United States.

Mr. Pruy to Mr. Seward.

No. 44.]

LEGATION OF THE UNITED STATES,

Caracas, October 30, 1868:

Sir: I beg to submit for your consideration a few observations concerning the recent course of political events in this country. General Monagas, the chief of the revolution, who, after the establishment of the provisional government, became commander-in-chief of the army, was obliged, owing to ill health, to retire a few weeks ago from active service, and he repaired to the village of El Vallé, near Caracas, where he has since lived in retirement, much to the benefit of his health, which, as I am informed, is now almost entirely restored.

In the absence of the chief, Generals Ruperto Monagas and Rufo Rojas command the forces in the field, which have now only to contend against the army of General Pedro Manuel Rojas, who still holds out against the government in the States of Portuguesa and Zamora, (united population one hundred and sixty-five thousand,) in the western part of the republic.

In dispatch No. 33, dated September 29, 1868, I expressed the opinion that this government would come to terms with the President, Sutherland, at Maracaibo. They have done so in a manner advantageous to both parties, and thus the further effusion of blood has been happily avoided. The national government has obtained control of the custom-house at Maracaibo, and the national war vessels, until now in possession of the partisans of the late Bruzual government.

President Sutherland, it is said, will soon leave for Europe, or, if he remains here, will take an interest in national affairs by coming as a senator to the new congress. In any event, his influence is now very little, and that little kept up by the position of State President, (which he must soon vacate,) and aided by his vast wealth.

There have been reactionary disturbances in the States of Barcelona and Nueva Andalusia; but happily they were speedily suppressed, and peace and tranquillity prevail.

The revolutionary party, being so strong, could easily afford to be generous to their conquered foe; so they caused the elections to be held in a free, fair, and open manner. On the 9th of October, General Monagas, from his retreat at El Vallé, issued a proclamation, asking his fellow-citizens, in dignified and suitable language, to conduct the elections in strict accordance to the letter and spirit of the constitution—to be just, quiet, and orderly.

His request was, as far as I can learn, most faithfully obeyed, and the elections passed off in a manner highly creditable to this people. They took place on October 18th.

There were chosen a President of the republic, a President in each State, and members of both houses of the national and State legislatures.

The official returns are not yet complete, but I am informed that the revolutionary party, or "blues," have been everywhere victorious, their candidates obtaining from two-thirds to three-fourths of all the votes polled. This is the first time in many years that a really free election has been held in Venezuela, and it therefore has excited far more than usual interest. General José Tadeo Monagas has, without doubt, been elected President. The day before the election, the principal merchants of Caracas, both native and foreign, presented him with a carriage and horse—a very handsome compliment; and, perhaps, indicative that a revival of commerce is hoped for under his administration.

There is a strong and growing feeling here in favor of centralization; a strong, consolidated government. There is too much State pride and local jealousy. Some of the States are extremely poor, and sparsely populated, so that they support the burden of a State government with great difficulty. It is expected that the next congress will propose some amendment to the constitution, giving more power to the general government, which most certainly appears to be required. They will also, it is to be hoped, remove some of the excessive import duties, and thus stimulate foreign commerce.

Yesterday the government issued a proclamation calling congress together on the first day of January. Their first duty, after organizing, will be to count the votes for President, who will immediately take office, and make an address to the congress. Then that body will proceed to choose a primer designado, and a segundo designado, or first and second vice-presidents. The choice of first vice-president will be a most important event, as, owing to the extreme old age and feeble health of the President elect, that officer will most likely be the virtual executive. The danger of the movement appears to be that the relatives of Monagas—some two dozen or more—and their particular friends, all from the eastern States, will endeavor to obtain all the places of honor and profit under the new administration, not giving a fair share to others from other localities, who helped to bring the revolution to a triumphant conclusion. The hope of the people lies in a wise and firm course of action by the incoming congress, particularly in the choice of a good and able man for first vice-president.

I have the honor to remain, sir, with great respect, your obedient servant,
ERASTUS C. PRUYN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Pruyne to Mr. Seward.

No. 45.]

LEGATION OF THE UNITED STATES,
Caracas, October 30, 1868.

SIR: On the 28th instant, the day of Saint Simon, celebrated here in honor of Simon Bolivar, the liberator, the corps diplomatic and consular called by invitation (for my answer to which see inclosure No. 1) on the national executive at the government mansion.

Señor Don Felipe I. P. Leal, envoy of Brazil, offered, on behalf of the corps, a few remarks of general felicitation, which were appropriately responded to by Señor Villegas, acting President, and then almost imme-

diately the foreign representatives retired. The whole affair was most brief and formal.

The day was celebrated in the most joyous manner by the citizens of Caracas. Music, fireworks, processions, theatrical performances, reunions in the clubs, a general display of flags and banners, together with the merry crowds moving ceaselessly through the streets and squares from early in the morning until a late hour of the night, showed that it was indeed a day of popular festivity. Not for many years has the birthday of the great liberator, been so gaily kept by this nation, one of the five republics which owe so much to that noble hero.

I am, sir, your obedient servant,

ERASTUS C. PRUYN.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Pruyt to Señor Villégas.

CARACAS, *Octobr 27, 1868.*

The incumbent of the legation of the United States of America offers his most cordial salutations to the honorable minister of foreign relations of the United States of Venezuela, and, acknowledging the receipt of his excellency's polite note of this date, (in which is conveyed the information that to-morrow, October 28th, being the anniversary of the birthday of the liberator, the national executive will hold a reception at the government mansion,) begs to state that he will hasten to avail himself of the opportunity thus afforded of offering his most sincere felicitations on that day of national rejoicing, so dear to all lovers of human liberty, and doubly precious to every republican.

In contemplating the life and character of Simon Bolivar, we find that he excelled equally in both civil and military affairs. With an energy almost superhuman, and a patience truly inexhaustible, he raised army after army. With the brilliant audacity of his extraordinary genius, he carried on with indomitable perseverance campaign after campaign against overwhelming odds, preserving, alike through good fortune and evil fortune, that calm grandeur of soul, and serenity of faith in the ultimate triumph of the cause of liberty, which nothing could shake.

Among the most marked traits of this heroic man, we notice his great moral worth, the unsullied integrity of his conduct, both public and private; his unswerving love of liberty regulated by law; his horror of civil war, and of irresponsible power exercised under what name soever; and last, but not least, his wonderful hold on the affections of the people, who received him "as the thirsty earth receives the fertilizing dew of heaven."

May the illustrious example of the great liberator and peacemaker be never forgotten, but ever followed, and endure until that time,

When every wandering sheep hath turned him home,
And changed to pruning hooks be every sword,
And all the peoples of the earth become
The people of the Lord.

Mr. Seward to Mr. Pruyt.

No. 25.]

DEPARTMENT OF STATE,
Washington, November 9, 1868.

SIR: Your dispatch of the 29th of September, No. 33, has been received. We have learned here that the late President Falcon has abandoned the republic of Venezuela; that General Bruzual, who claimed to be his successor, and maintained a resistance with national forces at Puerto Cabello, has died of wounds received in battle; that Puerto

Cabello has fallen into the hands of the provisional government established at Caracas; and that the civil war, so far as it was necessary to regard it as a national conflict, has come to an end. There seems, therefore, to be no sufficient ground for withholding longer the formal and full recognition of that provisional government.

In announcing this decision you will express to the provisional President the sincere hope, on the part of the United States, that the republic of Venezuela may speedily come to the enjoyment of internal peace and the renewal of national prosperity.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ERASTUS C. PRUYN, Esq., &c., &c., &c.

Mr. Seward to Mr. Pruyn.

No. 26.]

DEPARTMENT OF STATE,

Washington, November 9, 1868.

SIR: Your dispatch of the 1st of October, No. 35, has been received and duly considered. Your No. 21, which related to transactions then occurring in the midst of civil war, was made the basis of my instruction No. 14. Since that time the contending Venezuelan government, which was then maintaining itself at Puerto Cabello, in opposition to the newly organized government at Caracas, has passed away, and the civil war seems practically to have come to an end. Happily no consequences injurious either to the Venezuelan government or to the United States have resulted from your proceeding in regard to the French ship of war then at La Guayra, which I had occasion to discuss in that instruction. It is therefore now unnecessary to prolong the correspondence upon the subject of that discussion.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ERASTUS C. PRUYN, Esq., &c., &c., &c.

Mr. Seward to Mr. Pruyn.

No. 29.]

DEPARTMENT OF STATE,

Washington, November 16, 1868.

SIR: I have received your dispatch No. 26, of October 3d, in which you inform me of the attempt made to assassinate Señor Guillermo Tell Villégas, minister of foreign relations and acting President of the republic of Venezuela. Your conduct in promptly expressing to Mr. Villégas your opinion of that attempt, and your gratulatory note to that functionary on his escape, were well timed, and are approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ERASTUS C. PRUYN, Esq., &c., &c., &c.

LEGATION OF VENEZUELA.

Señor Mesa to Mr. Seward.

[Translation.]

UNITED STATES OF VENEZUELA,
DEPARTMENT OF FOREIGN RELATIONS,
Puerto Cabello, July 20, 1868.

SIR: I have received special charge to address this note to you for the purpose of bringing to the knowledge of the government of the United States of America the transfer of the federal district and seat of Venezuelan government to this city, which is for a while constituted the capital of the United States of Venezuela, in relation to our constitution and federal laws. This communication has been seasonably made to the diplomatic corps and consuls resident in Caracas, wherefore it is to be supposed that the representative of the government of your excellency will have transmitted it to you as it is his duty.

But, nevertheless, my government has thought proper to address to you this further direct communication of this transfer to Puerto Cabello, because it is necessary to appeal to those relations of peace and friendship which connect it with the United States of America, to claim, as in effect it does claim, the fulfillment of the treaty in force for the purpose of preventing, in the territory or dominions of any of the parties signing the same, acts being done which may have for object to prepare expeditions or acquire materials with which to carry on hostilities against the other parties.

This reclamation rests, sir, on the fact that the faction which has established at Caracas an unconstitutional government has sent its agent, named José Antonio Velutini, for the purpose of obtaining, for the uses of the revolution headed by General José Tadeo Monagas, elements of warfare of all kinds, and among them one or more monitors or iron-clads, with which to attack the vessels and forts held by the constitutional government. My government has just accredited near that of your excellency a diplomatic agent for the special purpose of counteracting the operations of the commissioners of the revolutionists, and to seek in that respect the fulfillment of the obligations existing between both governments as well as the disavowal of the consular or diplomatic employés that the revolution pretends to establish; but wishing to avail of the moment, and to anticipate the delays which the said diplomats might incur on their journey, I send you, in anticipation, the appointment of Commissioner Velutini, hoping that, with the rectitude that is proverbial with your government, it will dispatch without delay all the orders it may deem opportune to prevent the other commissioner from realizing the armament and expedition which he may have set on foot against my government.

My government rests, sir, in the confidence that this note will suffice to put a stop to the operations which its enemies may intend to carry out in the territory of the United States of America, and that they will be prevented and punished in accordance with the treaty in force and the laws of neutrality of the country; and I avail myself of this occasion to offer to you the respectful consideration with which I have the honor to subscribe myself your very obedient servant,

MIGUEL GARCIA MESA.

Hon. WILLIAM H. SEWARD,
Secretary of State of the United States of America.

Señor Ribas to Mr. Seward.

[Translation.]

LEGATION OF THE UNITED STATES OF VENEZUELA,
West Camp, Ulster Co., N. Y., July 24, 1868.

Florencio Ribas, chargé d'affaires for Venezuela, has the honor to greet Mr. William H. Seward, Secretary of State, and inform him that he is astonished at a correspondence from Havana, in the New York Herald of yesterday, 23d of July. The Herald correspondent says that Mr. Stilwell, the American minister resident in Caracas, was obliged to leave that city for safety during certain revolutionary commotions there. I am sure you will not believe this assertion, Mr. Secretary; yet I deem it my duty, and it certainly is my pleasure to assure you there is nothing true in this. The Herald has a long editorial on the subject in the same edition.

Though I am not officially informed by my government in regard to the recent lamentable events to which the Herald's correspondent alludes, yet private letters assure me that, so far from having any fear of personal violence, the foreign representatives protected many foreign and even native families in their dwellings on the days of the contest that disturbed the people of Caracas.

I hope soon to be able to give you an official account of the occurrences in question.

I take this favorable occasion to repeat the assurances of the great consideration with which I have the honor to subscribe myself

Your very obedient servant,

FLORENCIO RIBAS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Señor Ribas to Mr. Seward.

[Translation.]

WEST CAMP, July 30, 1868.

Florencio Ribas, chargé d'affaires of the United States of Venezuela, has the honor to salute Mr. William H. Seward, Secretary of State, and to inform him, in compliance with his offer made in his note of the 24th of the present month, of all he may gather respecting the lamentable events which have happened in the capital of Venezuela.

I communicate for your information what I have been able to learn through private correspondences about these political events. It appears that two of the eastern States of the republic, in concert with three of the central, gathered their forces against the federal district commanded by General José Tadeo Monagas, and, after a prolonged attack and strong resistance on the part of the government troops, under command of General Bruzual, the aggressors remained in possession of the federal district. The government then retired to Puerto Cabello, where it has fixed its residence. I send with this communication an extract from the Federalist paper published in Caracas, where you will see the public decrees of General Manuel E. Bruzual fixing on Puerto Cabello as the place of residence of the government. I also enclose a slip from the New York Herald of to-day, where you will read the reports sent by its correspondent at St. Thomas relative to these political

events in Venezuela. The reports of correspondents being often apocryphal, I abstain from remarks upon them. I particularly call your attention to them. I offer you, as soon as I shall receive official communications from the government about these events, to send them in due course to you. I avail of the present occasion to repeat to you the assurances of my highest consideration. I have the honor to subscribe myself your very obedient, humble servant,

FLORENCIO RIBAS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

[Here is interpolated an extract from the *Herald*, being a letter from St Thomas dated July 15, 1868; then follows an address to the people:]

[Translation of the address.]

Manuel E. Bruzual, in charge of the presidency of the United States of Venezuela, to the Nation :

VENEZUELAN: Called constitutionally to the exercise of the presidency of the Union, I have sworn on my honor and for the country to meet all the exigencies of the great majority of the country, and even in the midst of the grave contests with which the government has found itself involved it has not turned aside from the line of duty.

To-day I ratify that solemn oath in Puerto Cabello, where the national executive exercises its functions, because the federal district has been occupied by the factions who follow General José Tadeo Monagas.

In presence of God and the world, I promise to omit no sacrifice of any kind, even to death if needful, in defense of the federal cause for which the virtuous people of Venezuela have poured out their blood in torrents.

It never was my intention to fight, but the enemies of liberal institutions and principles would not have it so. Now, as in March, 1858, they have raised the banner of treason to assail the authorities, and restore the fearful rule of terror. They are the same men who forget nothing, who learn nothing, not stopping at measures, obnoxious as they may be, in order to satiate their thirst for vengeance and persecution. In immoral alliance with many of their own victims, they deceive them, the more easily to consummate their work of extermination, already begun by the invasion of the capital of the republic, which they have succeeded in accomplishing, notwithstanding the gallant resistance of the constitutional army, because the States, relying on the peace which was to have been obtained by means of treaties, did not assemble in season the contingent force which had been assigned for them.

The government thus has found itself compelled, in the exercise of its attributions, to fix upon the city of Puerto Cabello as the federal district, and relying on the steady support of public opinion, and the tried valor and bravery of the chiefs, will in a brief time re-establish order in the republic, by subjecting to obedience to law those who, blinded by the virulence of passion, do not comprehend that the sentiment of freedom is invincible.

Venezuelans! I appeal to your conscience. On one side you have the government, which represents law, and has given infallible proofs of its aspirations for what is right; on the other side is despotism or anarchy in consequence. The triumph over the disturbers of your peace is therefore not doubtful. Without ambition to command, I have no thought of retaining the authority with which I find myself invested, except under necessity to preserve the institutions. This important object saved, you all will see me withdraw to the domestic hearth, satisfied with having co-operated, with all the firmness I am capable of in sustaining the republic such as our fathers constituted it in the great contest of the American continent against its oppressors.

Venezuelans! in the name of the country I call you to arms. Sad is any contest between brethren; but all the acts of my administration which bore the stamp of law, of morals, of forbearance, even towards citizens in arms, did not suffice to avoid such a condition. There remains only recourse to arms.

Let it progress without further delay than what is needful for indulgence to the conquered, and to open our arms to receive those who, sensible of their errors, join us in the campaign undertaken by the government to sustain the constitution and the laws.

Done at Puerto Cabello, at the executive chamber, the 27th June, 1868.

M. E. BRUZUAL.

Señor Ribas to Mr. Seward.

[Translation.]

WEST CAMP, *August 5, 1868.*

Florencio Ribas, chargé d'affaires of Venezuela, has the honor to salute Mr. W. H. Seward, Secretary of State, and to inform him that, having already apprised him by his note of July 30th of the political events which have taken place at the capital of Venezuela, you will already know that, the federal district being already occupied by the revolutionary party, the general-in-chief of its forces issued a decree establishing a provisional government the more. The constitutional government has transferred the federal district to the city of Puerto Cabello, where it continues to exercise its authority. I beg you, sir, to please inform me what will be the policy and conduct of the government of the United States in virtue of the present state of things.

I avail of the present occasion to repeat to you, sir, the assurance of my highest consideration and respect, with which I have the honor to subscribe myself your very respectful and obedient servant,

FLORENCIO RIBAS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Señor Bruzual to Mr. Seward.

[Translation.]

LEGATION OF VENEZUELA,
Gramercy Park House, New York, August 24, 1868.

MR. SECRETARY: As I have returned from Venezuela, I deem it my duty to give an account to the government near which I am accredited of the grave political events which have disturbed my country and sprinkled its soil with Venezuelan blood, shed by Venezuelan hands. We South American patriots lament that we are compelled to behold, in this civilized age, the barbarous spectacle of an appeal to arms in changing the officers of our government, after half a century of independence; but such is our misfortune, and we must meet it with republican valor, and persevere till the great task of our political regeneration is achieved.

To give you a more complete idea of those events it will be necessary to go back to the beginning of the revolutionary tempest that has recently broken with such violence over Venezuela.

In the beginning of 1858, General José Tadeo Monagas, then ruler of the country, began the work of fiscal corruption, squandered the public money, and attempted to exercise despotic power; which acts so aroused the people in March of that year that the President did not venture to use the forces at his disposal to defend his legal authority, but resigned it into the hands of congress and sought the protection of a foreign legation for his person.

The victorious revolutionists proclaimed as President of the republic the governor of the province that first took up arms against the unpopular President, and he was recognized by all the other provinces, that soon elected delegates to a reconstructing convention.

The two contending political parties in Venezuela are called the liberal

and the oligarchs; the latter, in Colombia and Mexico, are known as conservatives, and is the party which has governed the country the longest, as well as in all the new republics, through the faithlessness of a few liberal leaders, aided by the direct or indirect help of some foreign powers that wish to change the form of governments that have been generally adopted in South America.

The opposition to Monagas was begun by the oligarchs with a few of the liberals in the constituent convention, but three-fourths were of the former party.

One of the first acts of that convention was to declare, almost unanimously, Monagas a traitor to his country and the assassin of a congress; for which he was condemned to perpetual banishment. That convention sanctioned a central constitution, and the liberal members protested against it because all the provinces had pronounced in favor of a federation. When the constitution was promulgated, all the liberals pronounced against it, and they gained their cause, after a five years' struggle.

General Falcon was at the head of the federal army, and of course he was elected provisional President. He began by repealing all the laws and persecuting decrees of the conquered party, even that causing the exile of Monagas; and thus, for the first time, a government was formed in Venezuela that did not proscribe the conquered, but offered them protection.

The federal form of government having been restored to the republic in 1864, General Falcon was elected constitutional President of the Union; but, unfortunately, he did not assume the great task that destiny had allotted him, and, faithless to the same principles he proclaimed during the war of five years—principles which had become the supreme law of the land by acts of the national convention—he governed in a manner so contrary to those principles and the will of the people that the public turned against him, and a large party took up arms to depose the treacherous ruler. The President, believing he could not resist the impending revolution, daily increasing in force to drive him from power, resigned in April last, and appointed a regency of the most respectable men in the federal party. This regency elected General Manuel E. Bruzual, minister of war and marine, as chief executive, in strict accordance with the constitution. He began his administration by repealing all the unconstitutional acts of President Falcon, and published a message, in which he promised due obedience to the constitution, and did all he could to restore peace by ordering elections for this year.

The leaders of the revolution, however, not fancying the result of an election, determined to decide the question by a resort to arms.

The oligarchs and personal friends of Monagas, having joined the revolutionists, worked upon the hate of the liberals for Falcon, and thus succeeded in bringing over many leaders of the federal party.

The new government, intent upon securing peace without effusion of blood, neglected assembling forces sufficient to oppose the revolutionists in the Central States. It had hardly been two weeks in power when it was attacked by them, on the 5th of May. The chief executive repelled this first attack, and others, up to the 10th, with the small garrison of the district, which he commanded in person, and, hoping to bring about a reconciliation by peaceful means, managed an interview with the revolutionary leader, and the contest ended with a treaty the next day.

The leaders of the different revolutionary bands approved of this treaty at first; but in a few days they began to prepare for war, and General Monagas was proclaimed chief, though he was at that time far from

Caracas, was in open rebellion against the national government, and at the head of the militia in the State of Barcelona.

General Bruzual, still resolved on peace, instead of asking quotas from the loyal States to defend the general government, sent a commissioner to Monagas to ask for a reconciliation. This only hurried his march upon the federal district. This man, then marching upon Caracas, had under him the same officers, who, ten years before, had condemned him as an assassin of congress.

At the time of the treaty of Auteniano General Mendoza was at the head of the rebel forces in the State of Bolivia; and as he offered to support the government, he was made President of the State, and arms were sent him for his troops. With new forces he now marched against Monagas, who was invading that State. But he soon joined Monagas, and they marched together upon Caracas. General Bruzual once more attempted conciliatory measures and on the 20th of June, had a parley with the rebel chief in the suburbs of the capital. At that interview a reduction of the federal army was proposed, and its concentration within the district, till an election could be held in all the States; and as a corollary of this proposal there was to be an armistice, and half of the new cabinet was to be chosen from among the rebel chiefs. But the rebel chief rejected all these proposals, and insisted that the supreme power should be surrendered to him; that his policy should prevail, and his plans of reconstruction be carried out. On hearing this outrageous proposal, General Bruzual broke up the conference and returned to the city, resolved to defend it with the one thousand and eighty-five men in its garrison. The city was attacked on the morning of the 22d, and after a brave defense of seventy hours against a triple force, the capital fell into the hands of the rebels, with two-thirds of its defenders dead in the streets. General Bruzual escaped alone to La Guayra, where he had three hundred men, and went with them to Puerto Cabello, the strongest fort in Venezuela. On the 27th he appointed new ministers, as the others were captured, and proclaimed Puerto Cabello the federal district and capital. The government and loyal States yet have high hopes of being able to drive the rebels out of Caracas.

The rebels hold the States of Nueva Esparta, Barcelona, Bolivia, Aragua, Guárico, part of Carabobo, and a portion of the States of Apure and Coro.

The government still retains possession of the States of Zulia, Merida, Tachira, Tanjillo, Zamora, Yaracuy, Portuguesa, Barquisimeto, Nueva Andalucia, the larger part of Coro and Apure, and a corner of Carabobo. The State of Guayana has declared itself neutral.

The consequence is, that a rebel party is attempting to destroy the government, and the struggle will depend upon the means the government may have for its defense.

In such a situation it is to be hoped that the government of the United States of America will extend us a friendly hand, to aid us in suppressing the rebellion.

A favorable answer is anxiously expected.

I embrace the occasion to repeat the assurances of my distinguished consideration.

B. BRUZUAL.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Señor Mesa.

DEPARTMENT OF STATE,
Washington, August 24, 1868,

The undersigned, the Secretary of State of the United States, has the honor to acknowledge the receipt of a communication which was addressed to him on the 20th of July last, by his excellency Miguel Garcia Mesa, from the department of foreign relations at Puerto Cabello. In that communication Señor Garcia Mesa informs this government of the United States that the government of the United States of Venezuela has changed the federal district and seat of administration from the city of Caracas to the city of Puerto Cabello, which latter city is, for a while, constituted the capital of the United States of Venezuela in regard to their constitution and federal laws.

Señor Garcia Mesa further mentions that a notice of the same effect had already, before the date of his communication, been sent to the several diplomatic and consular agents of foreign countries residing at Caracas, who, it was supposed, would communicate the same to the governments which they respectively represent.

Señor Garcia Mesa further states that his government has thought proper to send the present communication directly to the undersigned, for the reason that it is necessary to appeal to the relations of peace and friendship by which the United States of America are connected with the United States of Venezuela, and to claim the fulfillment of the existing treaty between the two countries for the purpose of preventing, within the territory or dominion of either party, any act from being done by the agents of either party which would have for its object to prepare hostile expeditions or to acquire materials for war against the other party in the treaty.

Señor Garcia Mesa declares that the claim thus asserted rests on the fact that the government which is now established at Caracas is a factious and unconstitutional government, and that that unconstitutional government has sent an agent, José A. Velutini, for the purpose of obtaining, for the uses of the revolution headed by General José Tadeo Monagas, elements of warfare of all kinds, among them one or more monitors or iron-clads, with which to attack the vessels and forts held by the constitutional government in behalf of which Señor Garcia Mesa writes. Señor Garcia Mesa further states that his government (now at Puerto Cabello) has just accredited to the government of the United States a diplomatic agent, for the special purpose of counteracting the operations of the said Commissioner Velutini, and to seek in that respect the fulfillment of the obligations existing between the United States of America and the United States of Venezuela, as well as a disavowal of the consular and diplomatic agents whom the revolutionary party now at Caracas pretends to appoint and establish. Señor Garcia Mesa further states that his government is desirous of anticipating the delays which the diplomatic agent alluded to may incur in his journey, and therefore that government hopes that this government will without delay issue all the orders necessary to prevent the Commissioner Velutini from realizing the armament and expedition which he may have set on foot against the government which is now established at Puerto Cabello. Señor Miguel Garcia Mesa concludes with expressing a confident expectation that his communication will suffice to put a stop to the operations which the enemies of the government established at Puerto Cabello may intend to carry out in the territory of the United States of America, and that such

enemies will be prevented and punished, in accordance with the treaty between the two countries and the neutrality laws of the United States of America.

In reply, the undersigned is directed to inform Señor Garcia Mesa that the commercial agent of the United States charged with the affairs of the legation at Caracas has already communicated to his government the notice which was transmitted to him by the government now established at Puerto Cabello, to the effect that that government had changed the federal district and removed the seat of administration from the city of Caracas to the city of Puerto Cabello. Señor Garcia Mesa is further informed that the provisional government of General Monagas, now established at Caracas, has given notice to this government that the diplomatic and commercial agents to the United States heretofore appointed by the government of Venezuela have been dismissed by the government now established at Caracas, from their employments.

Señor Garcia Mesa is further informed that no diplomatic or consular agent appointed by either the government at Caracas or the government now established at Puerto Cabello has yet presented himself for recognition at this capital. Señor Garcia Mesa is further informed that this department has no information of any designs or purposes, prosecuted or entertained by any party, foreign or domestic, now in this country, to violate the neutrality laws of the United States in regard to the republic of Venezuela.

The communication of Señor Miguel Garcia Mesa will be filed in the archives of this department for such reference as occasion shall hereafter require.

The government of the United States deplors the calamity of civil war which has overtaken the republic of Venezuela, and is desirous to lend its good offices, in any practical way, to contribute to a restoration of internal peace, good order, and effective republic government in the United States of Venezuela.

The undersigned avails himself of the occasion to tender to Señor Garcia Mesa the assurance of his high consideration.

WILLIAM H. SEWARD.

Señor MIGUEL GARCIA MESA,

At the Department of Foreign Relations, Puerto Cabello.

Mr. Seward to Señor Ribas.

DEPARTMENT OF STATE,

Washington, August 25, 1868.

The undersigned, Secretary of State of the United States, has just now come to the knowledge of a note which was addressed to him by Señor Florencio Ribas, chargé d'affaires for Venezuela, on the 5th of August. In that note Señor Ribas assumes that it is already known to the undersigned that the federal district and capital of Venezuela have been occupied by a revolutionary party, and that a new provisional and military government has been established at Caracas for the republic of Venezuela, under a decree by the general-in-chief of the successful army.

Señor Ribas further assumes that it is known to this government that the constitutional government of the United States of Venezuela has removed itself to the city of Puerto Cabello, where it continues to exercise

its authority. Standing upon these assumptions, Señor Ribas inquires of the undersigned what will be the conduct and policy of this government upon the state of things thus described in Venezuela.

In reply to the note thus recited the undersigned has the honor to state, for the information of Señor Ribas, that the legation of the United States for Venezuela remains at Caracas, which is understood to have been the constitutional capital of the United States of Venezuela. That the legation is authorized to hold such communication with the new provisional government established at Caracas as will be essential to save and protect the rights of the United States and their citizens. This government nevertheless receives for ulterior consideration the question of the formal recognition of the provisional government now existing at Caracas, or such other government there or elsewhere as may claim such recognition.

Señor Ribas is further informed that the provisional government which is thus established at Caracas has given official notice to his government that the powers of his excellency Blas Bruzual as minister, and also those of Señor Ribas as secretary of legation for the United States of Venezuela to the United States of America, have been withdrawn by the provisional government at Caracas; and so the provisional government at Caracas claims that the powers of Señor Blas Bruzual and Señor Ribas have altogether ceased. Señor Ribas is further informed that this department has received notice from Señor Miguel García Mesa, who writes in the capacity of minister for foreign relations for the republic of Venezuela, that the constitutional government of the United States of Venezuela has been removed from Caracas, and that it is now established in Puerto Cabello, under the supreme executive authority of General Bruzual, military chief of the so-called constitutional forces at Puerto Cabello. In the notice thus reviewed, that minister protests against and denounces the provisional government which is established at Caracas as factious, and unconstitutional and altogether void.

The receipt of the last-mentioned communication has been duly acknowledged by this government, on the 24th instant, to the writer thereof.

The undersigned avails himself of this occasion to tender to Mr. Ribas a renewed assurance of his high consideration.

WILLIAM H. SEWARD.

Señor FLORENCIO RIBAS, &c., &c., &c.

Mr. Seward to Señor Bruzual.

DEPARTMENT OF STATE,
Washington, August 27, 1868.

The Secretary of State of the United States has the honor to say for the information of Mr. Bruzual what follows: This government has been officially informed that an armed revolution recently broke out in the United States of Venezuela, which has been attended by the incidents following, namely: That the President of the United States of Venezuela, Mr. Falcon, has abdicated or resigned the office of President and has taken refuge at Curaçoa, after having first appointed a regency; that this regency then called Manuel E. Bruzual, who had been minister of war and marine, to exercise the chief executive power of the republic at Caracas, the national capital; that afterward the government of Mr.

Bruzual was overthrown at Caracas, and that a provisional government under the direction of General Monagas was established at that place; and that General Bruzual, having made his escape from that city by flight, has afterwards effected a satisfactory reorganization of the same at Puerto Cabello.

It thus appears there are two distinct governments existing *de facto* in the republic of Venezuela, each of which claims supreme authority over all the territory of that republic. These two governments are engaged in civil war, and the nation is divided between them. Each claims to represent the republic of Venezuela in international transactions with the United States and other foreign powers. The provisional government at Caracas has given notice to the United States that Mr. Blas Bruzual, and all other diplomatic agents of the United States of Venezuela, have been displaced and deprived of their functions by the government now established at Caracas.

The provisional government which is established at Puerto Cabello has given notice that it has established a blockade of the Port La Guayra, and of a large portion of the adjacent sea-coast. The provisional government at Caracas has denounced that blockade as illegal and unconstitutional, and has issued a decree for the opening of the ports of the republic to foreign trade. The note which Mr. Blas Bruzual addressed to the Secretary of State on the 24th of August, instant, in relation to the political situation of Venezuela, has been received, read, and filed among the archives of this department. The undersigned has also given audience to Mr. Blas Bruzual personally upon the subjects discussed in that paper.

Mr. Blas Bruzual, however, is expected to understand that the government of the United States, by extending to him this respectful attention, does not in any way commit itself upon the question which of the two contending governments in Venezuela, if either, represents the true and sovereign authority of that republic. In the mean time the United States will not decline to receive information from any agents of those governments, while the United States will expect of each, that, so far as the authority which it exercises is concerned, the rights of the United States and of their citizens will be duly observed and respected. It only remains for the undersigned to observe that this government will await such solution of the political problem thus offered as must in due time take place in Venezuela, with the final sanction of the people of that republic. It can hardly be necessary to add that the government of the United States deeply deplores the civil war which has created the necessity for these explanations.

The undersigned avails himself of this occasion to offer to Mr. Bruzual the assurances of his high consideration.

WILLIAM H. SEWARD.

Señor Don BLAS BRUZUAL, &c., &c., &c.

URUGUAY.

Mr. Asboth to Mr. Seward.

No. 1.]

LEGATION OF THE UNITED STATES,
Republic of Uruguay, October 15, 1867.

SIR: I have the honor to acknowledge the receipt of dispatch No. 1, of April 11th ultimo, from your department to this legation, informing me that the Senate had been pleased to confirm my nomination as minister resident to Uruguay, and inclosing my printed personal instructions; a sealed letter of credentials, with an office copy of the same; a circular letter on the duties of keeping up the records of the legation; and a list of the diplomatic and consular officers of the United States.

Before proceeding to acquaint you with my action in consequence of this dispatch, permit me to express my high sense of the further favor thus manifested to me. It was an honor which I felt deeply when, although only an adopted son of the great republic, I was commissioned to represent it abroad near the government of the Argentine Republic.

The additional trust now committed to me inspires feelings of profound gratitude, which I hope to be spared to evince by the zealous attention to the interests of the United States, for which the department so kindly gives me credit.

At the moment of receiving your dispatch No. 1, there was such an abatement of the sickness which has so long prostrated me as to afford hope that in a short time I might be able, in conformity with my instructions, to proceed to Montevideo.

Finding, however, that I was unable to travel, on the 6th September, ultimo, I opened communication by letter with Señor Don Alberto Flangini, the Uruguay minister of foreign affairs, which resulted in the reception of my credentials by the provisional governor of that republic; the address of a letter by him to the President of the United States, and the issue of a decree, under date of October 2d, ultimo, recognizing me in the character of minister resident of the United States to Uruguay.

I have the honor to inclose herewith, marked A, the above-mentioned sealed letter of the provisional governor of Uruguay to the President of the United States, and to annex a full copy of my correspondence with Señor Flangini, of my address to the provisional governor, and of his decree above alluded to, viz:

[Confidential.]

No. 1.]

LEGATION OF THE UNITED STATES,
Buenos Ayres, September 6, 1867.

SIR: I have the honor to inform your excellency that the President of the United States of America was pleased to nominate, and, by and with the advice and consent of the Senate, has appointed me to be minister resident of the United States of America to the republic of Uruguay, in addition to my present mission here.

Fully sensible of the importance of the high trust confided to me by my government, and convinced of the mutual benefits that will accrue to both republics from the establishment of more close and friendly relations between them, nothing would have given

me greater gratification than, on the receipt of my commission, to have proceeded at once to Montevideo, the capital of the republic, there to ascertain, through your kind offices, the pleasure of his excellency the provisional governor, General Venancio Flores, as to the presentation of the letter accrediting me in my new official capacity.

A long protracted illness has, however, confined me for several months to a sick bed; and, as I am still unable to leave my room, I venture herewith, confidentially, to request that your excellency may be pleased to inform me whether, under these peculiar circumstances, which render impossible at present my having the honor to deliver my credentials personally into the hands of the chief magistrate of the republic, his excellency General Flores would consent to a deviation from the established rule, and permit me to present them through your excellency by an official letter.

I beg to inclose a certified copy of these my credentials, and avail myself of this opportunity to assure your excellency of the distinguished consideration with which I have the honor to be your excellency's obedient servant,

A. ASBOTH.

His Excellency Señor DON ALBERTO FLANGINI,
Minister for Foreign Affairs, Montevideo.

[Confidential.—Translation.]

OFFICE OF FOREIGN AFFAIRS,
Montevideo, September 13, 1867.

MR. MINISTER: I have had the honor to receive your excellency's confidential note, dated the 6th instant, No. 1, in which you are pleased to communicate to me that his excellency the President of the United States of America has thought proper to appoint you his minister resident near my government, manifesting at the same time the material impossibility in which you find yourself of delivering personally the letter accrediting you in the above-mentioned character, a copy of which is inclosed by your excellency.

Having brought this communication to the knowledge of his excellency the provisional governor of the republic, Brigadier General Don Venancio Flores, he has desired me to say to your excellency, in reply, that the Oriental government, being anxious to cultivate, in all sincerity, and to bind closer the relations of friendship which happily exist between the two republics, views with the highest gratification your excellency's appointment as the worthy representative of the great North American republic in the Oriental Republic.

I have, at the same time, the satisfaction to make known to your excellency that, in consequence of the motives given in the note to which I am now replying, with regard to the delivery of the credentials, although, as your excellency states, the form proposed by you is a deviation from the established rule, nevertheless, the Oriental government, out of deference to your excellency, consents that the credentials alluded to should be remitted to this office to be duly recognized.

With this, it is highly gratifying to me to offer to your excellency the assurances of my grateful consideration and distinguished regard.

ALBERTO FLANGINI.

His Excellency DON ALEXANDRO ASBOTH,
Minister Resident of the United States of America, Buenos Ayres.

No. 2.]

LEGATION OF THE UNITED STATES,
Buenos Ayres, September 15, 1867.

SIR: I have the honor to acknowledge the receipt of your excellency's communication on the 13th instant, in which you reply to my confidential note of the 6th instant. Your excellency is pleased to state that the Oriental government, in kind consideration of the circumstances which render my removal from my sick room at present impossible, is willing to deviate from the existing general rule and sanction the presentation of my credentials, accrediting me as United States minister resident in the Oriental Republic of Uruguay, through your excellency's good offices, by an official letter.

I have, in consequence, the honor to forward herewith a sealed letter from the President of the United States of America to his excellency the provisional governor of the Oriental Republic of Uruguay accrediting me to its government, as well as an address from myself to his excellency Brigadier General Don Venancio Flores, both of which I would request your excellency to deliver into the hands of his excellency the chief magistrate of the republic for official consideration.

And while acknowledging my high sense of the personal obligation implied in the readiness with which the Oriental government has acceded to my request, I have more

particularly to beg that your excellency will accept my special and most sincere thanks, and will also allow me to assure you again of the high consideration with which I have the honor to be your excellency's obedient servant.

A. ASBOTH.

His Excellency Señor Don ALBERTO FLANGINI,
Minister for Foreign Affairs, Montevideo.

LEGATION OF THE UNITED STATES OF AMERICA,
Buenos Ayres, September 17, 1867.

Address of General A. Asboth, in presenting his credentials as minister of the United States of America near the government of the Oriental Republic of Uruguay, to his excellency Brigadier General Don Venancio Flores, chief magistrate of the Oriental Republic.

GENERAL: I have the honor to present herewith to your excellency my credentials as minister resident of the United States of America, and in so doing I beg leave to assure your excellency that, fully sensible of the honor that has devolved upon me of inaugurating, for the first time, official diplomatic relations between the United States of America and the Oriental Republic of Uruguay, it will not only be my duty but my highest pleasure to uphold and foster, both officially and personally, in a spirit of true friendship and harmony, those relations which, I sincerely trust, may lastingly be productive of mutual benefits to the two sister republics.

Your excellency will therefore permit me, in thus placing in your hands my letter of credence from the President of the United States of America, to assure your excellency that the sentiments therein expressed will always find in me a faithful exponent. And I beg to add my heartfelt desire and earnest hope, that the day may soon arrive in which the Oriental Republic of Uruguay, crowned with a profound, substantial, and lasting peace, shall be free to pursue its noble career of progress and humanity, and, by faithfully advancing the interests of republican institutions, steadily develop the prosperity and happiness of its people.

May Almighty God preserve your excellency many years in His safe and holy keeping.

[Translation.]

OFFICE OF FOREIGN AFFAIRS,
Montevideo, October 2, 1867.

MR. MINISTER: I have had the honor to receive your excellency's note, dated 17th ultimo, inclosing the letters of credence accrediting you in the character of minister resident of the United States of America in this republic, as well as your excellency's address on your reception.

These documents have been laid before the provisional governor. He has charged me to thank your excellency, in his name, for the terms in which your address is conceived; assuring you, at the same time, that he feels the highest satisfaction in cultivating and strengthening through your excellency the sincere and cordial relations which must always subsist between both republics.

I hereby inclose to your excellency a certified copy of the decree issued this day by his excellency the provisional governor, recognizing your excellency in the above mentioned character, and I beg at the same time that you may be pleased to forward to its address the letter which, with the customary copy, I remit to your excellency for the United States of America.

Having thus fulfilled the order of his excellency the provisional governor, I avail myself of this opportunity to renew to your excellency the assurances of my highest consideration and regard.

ALBERTO FLANGINI.

His Excellency Don ALESANDRO ASBOTH,
Minister resident of the United States of America, Buenos Ayres.

Certified copy of the decree recognizing General A. Asboth, in the above mentioned character as minister of the United States of America to the republic of Uruguay.

[Translation.]

OFFICE OF FOREIGN RELATIONS,
Montevideo, October 2, 1867.

DECREE.

The provisional governor of the republic decrees:

ARTICLE 1. Don Alesandro Asboth is hereby recognized in the character of minister

resident of the United States of America, in accordance with the credential letters he has presented.

ART. 2. Don Alesandro Asboth is, moreover, declared to hold and enjoy the prerogatives and exemptions to which he is entitled by public right.

ART. 3. Let this be communicated, published, and inserted in the corresponding register.

FLORES.

ALBERTO FLANGINI.

Under date of October 13th, ultimo, I addressed a further note, No. 3, to Señor Flangini, acknowledging the courteous manner in which my credentials had been received by the provisional governor of Uruguay, announcing my formal entry on the duties of minister resident of the United States to that republic, and informing him of the reply of the President to the letter of the provisional governor declining, on the part of Uruguay, the mediation proffered by the United States in the war between the allies and Paraguay. The following is a copy of the said note:

No. 3.]

LEGATION OF THE UNITED STATES,

Buenos Ayres, October 13, 1867.

SIR: I have the honor to acknowledge the receipt of your excellency's favor of the 2d instant, in reply to my official request marked No. 2, and dated September 15th, relative to submitting my credentials as minister resident of the United States of America to the Oriental Republic of Uruguay, and my own address to his excellency Brigadier General Don Venancio Flores, chief magistrate of that republic, for his official consideration.

In this communication your excellency was good enough to inform me of the kind manner in which his excellency the provisional governor of the Oriental Republic had been pleased to receive those official documents, and the assurance of the high satisfaction which his excellency feels in cultivating and strengthening the most sincere and cordial relations between the two sister republics.

At the same time your excellency was pleased to inclose a certified copy of the decree issued on the 2d instant by his excellency Brigadier General Don Venancio Flores, recognizing me in the above-mentioned character of minister resident of the United States of America near his government, together with a letter from his excellency the provisional governor to the President of the United States of America.

Having thus been duly installed through your excellency's kind offices in my diplomatic mission near the government of the Oriental Republic of Uruguay, I have the honor hereby to enter formally upon the duties connected with this my new office.

In doing so, I beg leave to inform your excellency that I have been officially advised by the Secretary of State of the United States of America that he has had the honor to receive from your excellency a communication, in which, while your excellency in the name of the Oriental Republic declines the good offices proffered by the United States for the restoration of peace in the countries of the La Plata, your excellency expresses at the same time a high appreciation of those good offices, and assigns the reasons for the course which the Oriental Republic feels itself bound to pursue.

I am further instructed by the Secretary of State to mention that your excellency's communication has been laid before the President of the United States, and that, while the President regrets the failure of his efforts to secure the restoration of peace, he hopes at the same time that that consummation may be speedily reached in some manner which will be honorable and satisfactory to the respective belligerents, and that he will hold himself at all times ready to contribute to that end in any way which shall seem likely to be agreeable to the parties concerned, and at the same time effective.

Having thus fulfilled the orders of my government, I avail myself of this opportunity to renew to your excellency the assurances of the high consideration and regard with which I have the honor to be your excellency's obedient servant,

A. ASBOTH.

Señor Don ALBERTO FLANGINI,
Minister of Foreign Affairs, Montivideo.

I venture, in conclusion, to offer to you, sir, personally, the tribute of my warm and grateful acknowledgments of the renewed confidence reposed in me; and I have the honor to be, very respectfully, your obedient servant,

A. ASBOTH.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

UNITED STATES OF COLOMBIA.

Mr. Seward to Mr. Burton.

No. 169.]

DEPARTMENT OF STATE,
Washington, December 28, 1866.

SIR: I inclose a copy of a letter of this date addressed to me by Mr. James A. Scrymser, a director of the International Ocean Telegraph Company, requesting that you may be instructed to aid Mr. Charles Rebello, an agent of that company, in obtaining from the government of the United States of Colombia the privilege of landing their cable on the shores of that republic. As the interests of the government and citizens of the United States are materially concerned in securing, as soon as practicable, reliable telegraphic communication with that republic, the application of the company is commended to your attention.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

ALLAN A. BURTON, Esq., &c., &c., &c.

Mr. Scrymser to Mr. Seward.

WASHINGTON, *December 28, 1866.*

SIR: The International Ocean Telegraph Company, chartered under the laws of the State of New York, having obtained from the legislature of the State of Florida, and from the Congress of the United States, the exclusive privilege of landing telegraphic cables on the coast of Florida, and from the government of Spain the exclusive privilege of landing such cables on the shores of Cuba and Porto Rico, is now desirous of obtaining from the government of the United States of Colombia the privilege of landing such cables upon the shores of that republic; and on behalf of the president and directors of the company, I have now the honor to request that you will inform our minister at Bogota that Mr. Charles Rebello, agent of the company for that purpose, will present to the congress of the United States of Colombia, at its next session, the petition of the company praying for a grant of permission to land telegraphic cables on that coast, and to instruct him to give such advice and assistance to Mr. Rebello as may be in his power towards effecting the accomplishment of the enterprise in view. The company desire very much to present their petition to the congress of the United States of Colombia at its next meeting, which takes place at an early day, and they would be much pleased if Mr. Seward would do them the favor to give the advice and instruction to our minister at Bogota herein asked for at as early a period as may be convenient to him; the mail for Bogota from New York closing on Monday, 31st instant, at 9 a. m.

I have the honor to be, very respectfully, your obedient servant,

JAMES A. SCRYMSER,

Director International Ocean Telegraph Company.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Sullivan to Mr. Seward.

No. 4.]

LEGATION OF THE UNITED STATES,
Baranquilla, May 24, 1867.

SIR: I have the honor to inform you that I arrived here on the 7th instant, by the most expeditious route from New York, and would have

proceeded by the first conveyance on my mission to Bogota had not all communication between here and there been cut off by the calamities of the fratricidal war which prevails to an alarming extent in this once beautiful and happy, but now blighted, country.

On the day of my arrival here, General Rudecindo Lopez, the secretary of war of the United States of Colombia, was peremptorily refused permission either to pass into or through the State of Magdalena, by an armed force under command of the President (General Riasco) of that State. General Lopez then ordered the federal troops stationed at Santa Martha to meet him as soon as possible at Cartagena, and on the 17th instant he arrived here with about four hundred troops, where he still remains, totally cut off from all communication with Bogota by General Riasco, who has proclaimed himself President of the United States of Colombia.

General Lopez has imprisoned Señor Onofre Veugoechea, a wealthy and respectable native of this place, for having disabled and refused to refit a steamboat which General Lopez required to enable him to pursue General Riasco, who is said to be stationed about two hundred miles above this place, on the most commanding point of the Magdalena River.

Inclosure No. 4 shows that on the 18th instant General Lopez had blockaded the port of Santa Martha with the old and almost useless steamer Colombia. This act is considered here as a farce.

On the 20th he caused the people of Baranquilla, a city of about twelve thousand inhabitants, to be assessed in the sum of \$4,600 for the support of his troops; and of this sum the foreigners had to pay \$3,000. He will require a larger sum in a few days. He is conscripting all native men he can find here to fill up his army. The people are becoming panic-stricken, and are concealing themselves from the draft. And now comes the great event:

On the 29th of April last, General Mosquera, the duly elected President of the United States of Colombia, had forcibly dissolved congress; imprisoned the governor of Bogota, and others; decreed the whole country in a state of revolution; and thus bid defiance to his enemies, who, it seems, were resolving to impeach and destroy him, as will appear from his decree and messages, published in his official paper of the 30th of April and 1st of May. He is reported to have about three thousand troops under his command at Bogota, and to be in no better situation there than his secretary is in here.

General Mosquera, though seventy years old, is still possessed of great energy, insatiable ambition and love of power. He is one of the ablest men this country has produced, and is feared by all. He has served as an officer of great merit in the army of Bolivar, whose sad and cruel fate seems to await the new dictator.

Bolivar died amid squalid misery, receiving his last scanty subsistence, in a lonely hut a few miles back of Santa Martha, from the hands of a pitying stranger.

The State of Santioguia, the most powerful, wealthy, and best governed of all these nine States, has sent a well-appointed army of five thousand men to crush General Mosquera in his stronghold at Bogota.

The State of Santander, another powerful State, is organizing a similar force for the same purpose.

The State of Panama, isolated by sea and long distance from the other States, will, at the proper time, inevitably seek to throw off the confed-

erate yoke, and set up for herself an independent government conformable to her long-cherished wishes and friendly to ours.

I have the honor to be, sir, your obedient servant,

PETER J. SULLIVAN.

HON. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

[Translation.]

Decree for public order, issued by T. C. De Mosquera, grand general and President of the United States of Colombia.

Considering, first, that the house of representatives in secret session has adopted a series of resolutions hostile to the cause of the republic, and which, if carried out, will certainly endanger the national sovereignty; second, that the executive power cannot consent to this crime of high treason, committed by an allied majority of illegal deputies, leagued together in the house of representatives on the 14th of March last, although opposed in their parricidal measures by the liberals of said house, now subjected and oppressed by said coalition; third, that the executive power has information that said coalition has determined to continue the session of congress, which will expire to-morrow in accordance with the constitution; it is decreed:

ARTICLE 1. The republic is declared to be in a state of war, in conformity with article ninety-one of the national constitution.

ART. 2. The session of congress is closed for this year.

Done in Bogota, on the 29th of April, 1867.

T. C. DE MOSQUERA.

JOSÉ MARIA ROJAS,

Secretary of the Interior and Foreign Relations.

VICENTE G. DE PIÑERES,

Secretary of War and Marine.

ALEJO MORALES,

Secretary of Finance and Industry.

FROILAN LAGARCHA,

Secretary of the Treasury and National Credit.

[Translation.]

Message of the President of the Union to the presidents and governors of the States.

I send you the decree of public order, issued on the 29th, declaring the republic to be in a state of war, according to the ninety-first article of the national constitution, and the session of congress closed for the present year.

Events of which you have official notice, and the preamble of the decree, explain the motives for its issue.

The desire of the general government, under these circumstances, is to keep peace at all hazard, and this ought to be the wish of all good citizens.

I hasten, therefore, to inform you that what has taken place will not affect the internal government of your State, and that the national executive power will keep the peace with each one of the States, and see that no cause of discontent arises.

As order was disturbed by the majority of the coalition in congress, it was found necessary to declare the republic in a state of war; but this declaration does not affect the States, under their constitutions and local laws.

One of the great advantages of the federal system which we have adopted is the power to save the country from a majority tending to misrule, not representing the people in congress, and wishing to plunge into civil war, as would happen in like cases under a central rule. Your State, therefore, will not consider itself attacked by the general government, but will continue its administration in accordance to the constitution and laws of the republic. To put an end to the present condition of things, I recommend you to call together the legislative assembly, state to it what has occurred; let it pass resolutions to confirm order, and then elect senators and representatives to a new congress, to be assembled by order of the executive power of the Union, to restore the former condition of the republic which has been disturbed by the recent events

mentioned, to give strength to the federal institutions, and to order an election of a president for the next constitutional term.

Acting with judgment, as it is hoped your State will, recent events will turn to the people's benefit, by putting an end to the frequent changes in administrations, caused by the spirit of disorder and continual anarchy that never ceases to threaten the existence of the republic.

If, unfortunately, some of the States do not comprehend the views of the general government, and evil passions excite to hostility, those States may rely upon all lovers of order and civilization to put down any rebellion, however great it may be, and the insurgents may expect the severest retribution, for the time has come when peace, order, liberty, and progress must be established on indestructible bases, at every sacrifice.

The executive power has asked congress to pass a law to make arrangements with the Roman pontiff, chief of the Catholic church, to settle the church question, which has so long disturbed the consciences of true believers. Such a law was passed on the 29th instant, and the executive power will instantly order its execution, so that the people and ministers of the Catholic faith may rest assured that their spiritual interest will be properly cared for.

The government of the Union was pained on seeing itself obliged to issue the decree of the 29th; but the nation knows it is not his fault, and that he did it under the pressure of inevitable circumstances.

The fact that it was issued in accordance with the ninety-first article of the national constitution, does not mean that it is an attack upon peaceful persons, who support the government, and contend for the salvation of the republic.

The city of Bogota has been formed into a federal district by the vote of the legislative assembly of Cundinamarea, to the great gratification of its inhabitants, with the approval of Dr. Jesus Jimenes, president of the State, who was appointed by the legislature to govern the district.

Public confidence, so agitated during the session of the last congress, has been restored, and everything now promises peace, order, liberty, security and progress.

Your government will be duly informed of every event of importance that may take place.

BOGOTA, April 30, 1867.

T. C. DE MOSQUERA.

J. M. ROJAS GARRIDO,
Secretary of the Interior and Foreign Relations.

VICENTE G. DE PIÑERES,
Secretary of War and Marine.

FROILAN LAGARCHA,
Secretary of the Treasury and National Credit.

ALEJO MORALES,
Secretary of Finance and Industry.

[Translation.]

Address of T. C. de Mosquera, Grand General and President of the United States of Colombia to the inhabitants.

Peace was restored on the 16th of March, by an agreement between the executive power and the dissenting party in congress, and the nation is pleased to learn that citizens who once differed in political opinions are now reconciled.

Civil war has broken out in the State of Magdalena, in spite of all I did to prevent it. A faction in congress choose to call order tyranny, a faithful execution of the laws despotism, and virtue a crime. These men have been faithless to their promises of the 16th of March; they are busy in destruction; they have taken all power from the President, and wish to ruin the country to get rid of its ruler.

The names of these men are known to you; they are enemies to national prosperity, and glory in their work of destruction; they would pull down the President, his political friends, and all who sustain him.

And the conservatives of congress, laying aside their proclaimed principles of order and virtue, have joined the opposition in all decisive votes, and have thus contributed to increase social disorder.

Colombians! A message to the presidents of the States will inform them of what has occurred, and will instruct them how to maintain their sovereignty by appealing to the people, the true sovereigns, whose duty it is to correct the legislative power when it attempts to destroy the federal union and the executive government.

Inhabitants of Bogota and Cundinamarea! The government promises you perfect enjoyment of your rights; it promises you security in your persons, so long as you obey the laws and submit to the constitution.

As soon as elections have been held, the new congress will convene and will hasten to settle existing difficulties.

Fellow countrymen! I hope you will confide in my intentions to preserve peace among you, and in my acts to save the nation.

Done at Bogota, in the government palace, on the 30th of April, 1867, in the 57th year of independence.

T. C. DE MOSQUERA.

[Translation.]

Decree closing the port of Santa Marta to imports and exports.

Rudecindo Lopez, commander general of marine and chief of the 2d division of the Colombian guards, considering, 1st. That the sovereign State of Magdalena, of which Joaquin Riascos is president, is declared by decree of this date to be in open rebellion against the national government; 2d. That the enemy must not be allowed to seize upon the national revenues, to be used against republican institutions; 3d. That the important port of Santa Marta is situated within the territory occupied by the rebels; by the power conferred upon him by the executive, and in obedience to instructions, decrees:

ARTICLE 1. The port of Santa Marta is hereby declared closed to import and export trade.

ART. 2. One of the national war steamers shall cruise along the Colombian coast in front of said port, to effect the blockade.

ART. 3. All goods and merchandise brought into the port of Santa Marta contrary to these provisions shall be considered contraband, to all intents and purposes. Goods intended for that port may be discharged in any other open port of the republic, without permits or certificates from the officials of the closed custom-house.

Let this be promulgated.

Done at Baranquilla, on the 18th of May, 1867.

RUDECINDO LOPEZ.

J. M. PINZON RICO,
Assistant Secretary.

Mr. Sullivan to Mr. Seward.

[Extract.]

No. 5.]

LEGATION OF THE UNITED STATES,
Baranquilla, U. S. of Colombia, May 29, 1867.

SIR: Inclosed are copies of correspondence, Nos. 12, 13, 5, and 6, had between Mr. Hanaberg, United States consul at Carthagena, and myself, on the subject of the wrongful enlistment and detention of the crew of the steamer Rayo.

Also on the necessity of two or three American war steamers cruising in Colombia waters during this rebellion, as a protection to the lives and property of American citizens here, and to afford mail facilities, now suspended by the operations of the war in this country.

Also on account of General Lopez and his troops; and of the murder of one of the crew of the American war steamer Osceola by his comrade.

There are three English war ships at Carthagena looking after the interests of British subjects, who claim a lien upon, and have been for some time receiving thirty-seven and a half per cent. of, the gross receipts of all the custom-houses in the country.

* * * * *

I have the honor to be, sir, your obedient servant,

PETER J. SULLIVAN.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Hanaberg to Mr. Sullivan.

No. 12.]

CONSULATE OF THE UNITED STATES OF AMERICA,
Carthagena, May 14, 1867.

SIR: By a communication received from the consulate at Baranquilla I have been informed of your arrival in the country, and that you intended to leave Baranquilla on the 16th instant for the capital; consequently, I presume, this will reach you at Calamar, which is the port of this city on the Magdalena.

It is my duty to report to you the following circumstances which have occurred in connection with this consulate: On the 21st of last month some of the crew of the steamer Rayo, lying in this harbor as a Colombian war steamer, made their escape from that vessel, and coming to this consulate made complaint that themselves and several others, American citizens, were detained on board of that vessel illegally, and against their will; that they had shipped in the vessel at New York, as the R. R. Cuyler, under the American flag, for a voyage to Aspinwall, where they were to be discharged and receive their extra wages according to the laws of the United States; but that instead of going to Aspinwall the vessel came out to Santa Martha, where her name was changed to El Rayo, and the Colombian flag was hoisted in the place of the American; in consequence of which they refused to continue their service on board of the steamer, but were compelled to do so by threats of confinement in irons. They stated that the most of the men who were in the case stated were married, with families living in New York, where they were anxious to return.

I brought the matter at once to the notice of the President of the State, and sent his excellency two communications on the subject, receiving no answer except a verbal one, that the matter should be brought to the notice of the commander of the national marine and the commander of the Rayo, who, after several days, presented to me a crew list, certified by the collector of the port of New York, in form according to the laws of the United States. By this it appeared that the men were engaged for the steamer R. R. Cuyler, Captain Dollard, for a "voyage to a Colombian port, and from thence to any part of the world, at the orders of the Colombian government, for the term of two years." But this paper did not contain the signatures of the men; neither has the vessel any articles signed by those men to authorize holding them to service under a foreign flag against their wish; and having taken the sworn deposition of several of them, it was evident to me that they had been deceived; consequently I demanded from his excellency the President that they should be discharged and paid off according to the laws of the United States, by which they should receive three months' extra wages.

Receiving no answer to my demands, and fearing that those seamen might be imperilled on account of their being in the Rayo, which vessel was in the custody of a Spanish frigate in this harbor, I wrote to the commander of the United States vessel of war at Aspinwall stating the case, and requesting him to come here with his vessel and demand the release of those men, if he should think proper so to do.

On the 6th instant, the United States steamer Osceola, Commander J. P. Foster, came into port. Captain Foster sent his respects to the President, and offered to salute the town. The salute was declined for the reason that there were not the means of returning the compliment. The following day Commander Foster and myself waited upon the President, renewing my complaint, and requested to have the men, a list of whose names I had procured, sent to the consulate to be examined. This was agreed to; and after an examination of the men, and also of the crew list, in connection with the officers of the Rayo, Commander Foster was convinced, and those officers acknowledged, that the shipment of the crew was irregular, and that there was no right to retain those men. Commander Foster then sent a note to his excellency the President demanding the delivery of those men and their payment, and stating that, as he was anxious to leave, he desired to have the whole case settled by three o'clock p. m. of the 8th. This note was delivered on the morning of that day, and at the same time a note was received from his excellency stating that the seamen would be delivered to the consulate.

In the afternoon thirteen seamen were received from the Rayo and sent on board the Osceola, together with four others who had previously escaped from the Rayo. No payment was made to these men, and they were sent on shore with only their clothes; consequently Commander Foster wrote another note to the President reminding his excellency that, besides the discharge of those sailors, he had demanded their payment, and that, being obliged to return to Aspinwall the next morning, he should leave that part of the matter in my charge for a settlement. I inclosed this note to his excellency in one from myself requesting a settlement as soon as convenient. To this I received an answer from his excellency, inclosing a note from the captain of the Rayo, recommending that, as those men were shipped at New York, where the regular shipping papers must exist, the settlement with regard to their remuneration had better be made in the United States by the government and the representatives of the United States of Colombia at that port. To this I have answered that, unless the full amount claimed by myself is paid to me here, I can only refer the case to the Department of State.

I have since received a communication from the President of the State communicating a statement of the captain of the Rayo, that there were some twenty-six others of his crew who had been shipped on the same conditions as those who had been delivered, and who wished to leave the vessel; also recommends that I should go on board and examine those men, or have them come to the consulate for that purpose. In answer to this communication, I have informed his excellency that it is the desire of those who have the direction of the affairs of the Rayo to be relieved of so many of her crew, in the same manner as were released those whose discharge was demanded by this consulate. I can have nothing to do in the matter, as I consider it would be both unjust and inhuman to have any participation in the expulsion of those men from the vessel in a destitute condition in a foreign country, as I am not authorized, and have not the means of caring for distressed citizens for account of the government of the United States, although it is my duty to represent them in demanding their rights. I also say that I trust that the acknowledgment of the illegality of their detention may be accompanied by a just reparation and a remuneration for their services; also that the Osceola will probably return here in a few days, and it may be that Commander Foster will give those men a passage to Aspinwall, but that it ought not to be expected that the government of the United States should be at the expense of taking home the crew of the Rayo. I am sorry that I have not had time to prepare copies of the correspondence on this subject to send you, but it was only last evening that I heard that you had arrived at Baranquilla.

I have communicated everything to the Department of State, and shall continue to keep it informed of whatever may transpire in the case.

I expect the Osceola to return here about the 16th or 17th instant. Notwithstanding the national congress passed a law that the navy of the country should be disposed of, we now hear that the President, General Mosquera, has annulled the law by a decree establishing the navy and incorporating the Rayo in the same.

That vessel has, since the 21st ultimo, been lying in this harbor in the custody of a Spanish frigate; the principal parts of her machinery have been taken on board of the latter, and she is daily visited and examined by the Spanish officers.

In company with Commander Foster I visited the Spanish commander, who received us very courteously, and informed us that he was waiting orders from the admiral at Havana as to the disposal of the Rayo, and assured us that he should not resort to any extreme measures without giving due notice and facilities to any American citizens of the crew who desired to leave the vessel.

He inquired if we considered the officers of the vessel as American citizens. I replied, that my opinion was that, having voluntarily and knowingly enlisted in a foreign service, they were not entitled to protection from the United States government.

I presume you will have been informed of the political state of this part of the country. The Colombian steamer Colombia arrived here on the 12th, bringing five hundred and fifty national troops from Santa Martha.

A steamer is momentarily expected here from Aspinwall with the New York mail of the 1st instant.

I have the honor to subscribe, sir, very respectfully, your obedient servant,
AUGT. S. HANABERG,

United States Consul.

General PETER J. SULLIVAN,
United States Minister to Bogota.

Mr. Hanaberg to Mr. Sullivan.

No. 13.]

CONSULATE OF THE UNITED STATES OF AMERICA,
Carthagena, May 21, 1867.

SIR: Referring you to my dispatch No. 12, of the 14th instant, I have now to inform you that the Osceola has not returned to this port, and cannot now be expected before the 26th instant.

There are four of the seamen of the Rayo on shore, who have been sent from the vessel without being paid their wages or having any means of sustaining themselves. I have sent an official note to the secretary of state of Bolivar, requesting to be informed, that I may indicate to these men to which of the authorities they are to apply to obtain justice and compensation for their services on board of a Colombian war vessel. As one of the men is an Irishman, and as at present I am nominally the acting British consul here, I have presented the case both as United States and British consul, but as yet have not received any answer.

As I informed you in my last communication, I have advised the Department of State of my action in this case, and I hope to be instructed as to my further duties in the same;

but as some time may elapse before I can receive such instructions, I will thank you to advise me in regard to the case.

To what extent am I to protect those seamen, some of whom have never agreed to serve this country, whereas others have signed articles on board of the vessel since the change of flag? Have the officers of the *Rayo* any right to claim the protection of the government of the United States in any case?

The Colombian steamer *Colombia* is to leave here to-morrow to enforce the blockade of the port of Santa Martha, decreed by General Lopez.

I herewith send some communications and newspapers received from Washington for yourself.

I have the honor to be, sir, your most obedient servant,

AUGT. S. HANABERG.

General PETER J. SULLIVAN,
United States Minister, &c., Baranquilla.

Mr. Sullivan to Mr. Hanaberg.

LEGATION OF THE UNITED STATES,
Baranquilla, U. S. of Colombia, May 25, 1867.

SIR: Your communications Nos. 12 and 13, of the 14th and 21st instant, calling my attention to the case of the steamer *Rayo* and her crew, came to hand on yesterday, and from a perusal of them I am satisfied that you have acted wisely and efficiently in this complicated affair.

If the crew of this steamer had agreed to serve the government of Colombia for the term of two years, and that at the time and place the ship's papers were executed they were well aware of the true character of this steamer and of the nature of the service they were required to perform, and that when at a Colombian port they had freely consented to continue this service for the period stated, they have, in my opinion, forfeited all rightful claims to the protection of our government.

But should this steamer's crew list or contract not have been made known and fully explained to the crew at the time they were employed, and that, as you intimate, they were duped into the Colombian service under false and fraudulent pretenses; that, while cast upon a foreign shore in a state of utter destitution and threats of persecution, they were forced to take service under the Colombian government, you will, should this state of facts exist, demand of the commander of this steamer and of the proper authorities at Carthagena, where this steamer is now stationed, the immediate discharge and payment of these men, who now claim and are justly entitled to the protection of our government, according to the laws of the United States of America. In this matter be prudent, but resolute.

As the people of this country are engaged in a fratricidal war, which cuts off all communication with the general government at Bogota, and as you have submitted the whole subject to the State Department at Washington, I think it advisable that, if without detriment to the honor of our government and the calls of humanity, you await their orders, lest that hasty action, based upon insufficient facts, should add to the obstacles already in the way of the settlement of this perplexing affair.

I am, sir, with great respect, your obedient servant,

PETER J. SULLIVAN.

AUGT. S. HANABERG, Esq.,
United States Consul at Carthagena.

Mr. Sullivan to Mr. Hanaberg.

[Unofficial.]

BARANQUILLA, UNITED STATES OF COLOMBIA,
May 29, 1867.

DEAR SIR: I thank you from my heart for the warm friendship which you have expressed for me in the three letters which I have received from you at this place, and it would afford me great pleasure to spend some time with you and my friend Captain Foster of the war steamer *Oscicola*, had not duty called me to Bogota at the very earliest moment I can leave here for there, which I hope will be in the course of the next two weeks.

The *Rayo* is, and I fear will continue to be, a source of much trouble, but we must

deal with these troubles in a cool, deliberate, and firm manner; but, in every instance, we must act upon good and sufficient evidence only.

I regret the murder of one of the crew of the *Oseola* by his comrade. If possible, and circumstances should permit or justify, the murderer ought to be sent home for trial.

The blockade of this coast is a farce; our commerce, our mail facilities, the lives and property of American citizens residing in this country, require, at least, two of our war steamers to cruise along this coast during the existence of this rebellion.

All communications between here, Santa Martha, and Bogota, are suspended by the operations of war.

The people of this city have had to make up for General Lopez about \$20,000. He has departed from here with two fast steamers, and about five hundred regular troops, for Banco and Bogota. But it is generally believed here that he will not be able to cut his way (which he will have to do) through the opposing forces of General Riasco. It is feared that Baranquilla may soon be taken and held by some of Riasco's forces from Santa Martha.

I am, very sincerely, your obedient servant,

PETER J. SULLIVAN.

AUGT. S. HANABERG, Esq., &c., &c.,
Carthagea, United States of Colombia.

Mr. Sullivan to Mr. Seward.

[Extract.]

No. 6.]

LEGATION OF THE UNITED STATES,
Baranquilla, May 29, 1867.

SIR: Since my dispatch No. 4, which was written in haste and sent by hand, I have received (inclosures Nos. 1 and 2) the proclamations of the presidents of the States of Antioquia and Santander to their people denouncing President Mosquera.

* * * * *

I have the honor to be, sir, your obedient servant,

PETER J. SULLIVAN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Translation.]

Pedro J. Berrio, constitutional governor of the sovereign State of Antioquia, to the nation.

COUNTRYMEN! The revolution which the President of the republic has been fomenting ever since his accession to power has at length broken out. This conspiracy is against the nation that honored him with its confidence and elevated him to his present position.

Vain have been the efforts of all honest parties in the republic, and of the governors of the States of the Union, to preserve peace.

A man whom the nation graced with the highest honors now puts himself above all law, and wields the sword and staff placed in his hands by the republic, against the country, because it defended its institutions and liberties, and, with the army to support him, commits the horrid crime which the laws and conscience term high treason!

He desires to subject the country to new trials; he excites the people to war. The result is not doubtful; we will triumph!

People of Antioquia! You have aided the State government in trying to preserve peace. The nation was smitten on one cheek and it turned the other to the assailant. Not satisfied with this, he now wishes to plunge the dagger into the nation's vitals, and, in open violation of the constitution, he has sent national forces to overthrow the lawful president of Magdalena and place one of his own minions in power there.

But this is not all. He has thrown the president of the sovereign State of Candinamarea into a filthy prison; and on the 29th of April he dissolved congress and declared himself dictator. Many of the members, among them Plata Azuera, Arosemena, and others, were also imprisoned.

We know not upon what principle he has raised himself to such a position. Our ban-

ner is the constitution, and we will hoist it so high that all the world can see it. Our duty is to pull down the man who has arisen against the institutions he helped to found, and put one in his place who will obey the laws and the constitution. There are but two parties now—the republicans, in favor of the nation, and the pretorians, who would give us a master. Neutrality is now a crime. Those who are not for us are against us. Every one who has a pulsation of liberty in his breast will be for us; all who would ruin their country will side with the dictator. In the name of threatened liberty, in the name of the insulted country, I invite all republicans to rally around our banner.

To arms! Presidents of other States, if you have any regard for the constitution you will prepare to overthrow the tyrant. I promise you that Antioquia will be with you, and will not be the last to strike. Let us work together around the national banner, which is the constitution, and the struggle will be brief.

People of Colombia! You are too proud to bend the neck to the yoke of tyrants or shun the sword of dictators. Let us act in concert, and victory is certain.

I am sure there is not a partisan of tyranny in Antioquia, or if there should be, let him hide his head in shame; his breath would poison the atmosphere of our patriotic land. A country that has produced heroes like Cordoba and Restrepo could not bear the presence of a man who would willingly submit to the will of a despot.

Our conduct shall be regulated by the magnitude of our duty; we will observe the laws of war and of nations, and we will do nothing not worthy of a civilized people.

Public schools will not be closed; the peace of the country will not be disturbed, for our cause is just. Our religion, liberty, homes, and property are attacked; let us sell our lives dearly before these rights are taken from us by usurpers.

Yes, we are the republic, and the republic will triumph; we will sustain the constitution.

PEDRO J. BERRIO.

NESTOR CASTRO, *Government Secretary.*

ABRAM MORENO, *Secretary of Finance.*

MEDELLIN, May 10, 1867.

[Translation.]

Address of Victoriano Paredes, governor of the State of Santander, to its inhabitants.

People of Santander! The President of Colombia has at last consummated the revolution with which he has so long threatened us, and this day we have ceased to be his fellow-citizens to become his slaves. It is not yet known what title he intends to assume; it may be king, emperor, or autocrat; but be what it will, it means that our lives are in his power, that our property belongs to him, that our liberty is taken from us, that we have no rights, nothing but what he wills to give us. A signal from his scepter may consign hundreds of Colombians to the gibbet; one word from his lips can ruin millions of families; a single decree of his may drive thousands of us from our beloved country.

Such, countrymen, is our situation. We have no law but the caprice of one man, and no perspective than our ruin. This State has always struggled for its rights, and it will be nothing new to us to give a lesson to a tyrant or perish in the attempt; we will perish nobly in our struggle for liberty.

Our position is desperate, but wo to him who wavers on the verge of the precipice when duty urges him to act, or to him who dastardly accepts the bribes offered to him by the tyrant!

Sons of Santander, listen, and I will tell you what has been done. On the 29th of April last the house of representatives adopted two resolutions making inquiries about two war vessels on the way to our ports. One of them, called the Rayo, had arrived. These simple resolutions served as an excuse for the President of the republic to consummate the long-threatened revolution and assume supreme power. He dissolved congress, declared the country in a state of war, imprisoned the representatives of the people who would not enter into his treason, arrested the president of Cundinamarca, prosecuted and seized several editors and publishers of newspapers, and with one stroke of his pen abolished every guarantee of the constitution.

In presence of such outrages the heart of every loyal republican who has any principles or believes in any law swells with indignation, and boldly denounces the ignominious usurpation of public power.

Fellow-countrymen of Santander! You are the acknowledged bulwark of the democratic republic in this land, and it is your sacred duty to sustain the reputation you merit by energetic action in the present cause.

VICTORIANO DE D. PAREDES.

SECORRO, May 9, 1867.

Mr. Sullivan to Mr. Seward.

No. 7.]

LEGATION OF THE UNITED STATES,
Baranquilla, June 2, 1867.

SIR: Inclosed, No. 1, is a report of the engagement had on the 28th ultimo between a portion of President Mosquera's forces, under command of General Lopez, his secretary of war, and the opposition forces at Banco, an important point on the Magdalena River.

About two hundred troops arrived here yesterday morning from Santa Martha to re-enforce the opposition at Banco, but the result of the news from there induced this re-enforcing party to lay in wait for, and if possible to destroy or capture, Lopez on his return to this place from Banco.

The keeper of the hotel where I was lodging arrived here this morning, in a small canoe from Antioquia. He reports that all the people of that State are opposed to President Mosquera, and that by this time have sent about fifteen thousand men—joined by the forces of Santander—to capture or drive Mosquera from Bogota; and that they had placed well-fastened chains across the Magdalena River, so as to prevent any boats from passing up or down this river, thus cutting off the forces of General Lopez, and all other aid from reaching General Mosquera at Bogota.

It is evident that General Lopez, not being able to force his way through these insurmountable barriers, and not having sufficient force to hold Banco and take the custom-house at Santa Martha from the exasperated and resolute opposition, his victory is a source of weakness instead of strength to General Mosquera, who is surrounded on all sides by overwhelming forces, who are determined to crush him or perish in the attempt.

The following extract from my unofficial letter of the 31st ultimo, to the American consul at Carthagena, will show you the caution which I observe in this emergency:

[Extract.]

The time has come for every United States officer here to be on the alert, and as true sentinels at the advanced posts we must carefully watch and diligently study the progress and tendency of the terrible drama that is being played around us without being observed by either of the prompters or scene-shifters directing its operations, so as to be enabled to judge in time of its influence on the lives and property of this people and on the trade and commerce of ours.

I have the honor to be, sir, your obedient servant,

PETER J. SULLIVAN.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

[Translation.]

UNITED STATES OF COLOMBIA—COMMANDING GENERAL OF MARINE AND OF THE SECOND DIVISION OF THE COLOMBIAN GUARD—NO. 98.

To the Governor of the Province of Baranquilla:

At 4½ p. m., this day, after a fight of thirty minutes, the troops under my command occupied this city, (Banco.)

A detailed report of the action will be sent to you in due time; I now give generalities.

We have captured Manuel A. Vengorchea, acting President of Magdalena, four chiefs, fourteen officers, thirty-nine men, and all the munitions of the enemy.

We had ten men killed and three wounded; most of them belonged to the regenerator battalion.

Yours, &c.,

R. LOPEZ.

BANCO, May 28, 1867, on board the steamer *Vencedor*.

J. M. PINZON RICO,
Assistant Secretary.

Mr. Sullivan to Mr. Seward.

No. 8.]

LEGATION OF THE UNITED STATES,
Baranquilla, June 7, 1867.

SIR: Inclosed are copies of the latest correspondence had between the American consul at Carthagena and myself, as to whether he should recognize the acts of the commander of the Colombian war steamer *Rayo* should that officer now hoist the American flag.

I have the honor to be, sir, your obedient servant,

PETER J. SULLIVAN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Hanaberg to Mr. Sullivan.

CONSULATE OF THE UNITED STATES OF AMERICA,
Carthagena, June 2, 1867.

SIR: I have the honor to acknowledge the receipt of your official communication No. 5, of date 25th ultimo, and by the same I observe that you approve my action in the case of the crew of the steamer *Rayo*.

Captain Foster of the *Osceola* having given his crew liberty here, one of the crew murdered another while on shore, as I have already informed you. On the 2d instant I accompanied Captain Foster to call upon the President of the State, when he expressed to his excellency his regret for what had occurred among his crew in the city, and requested, if consistent with the laws of the country, that the criminal be delivered to him to be tried and punished in accordance with the laws of the United States navy, to which he belonged. His excellency replied that as the offense had been committed on the soil of Colombia and against the laws of this country, the man could not be given up, but should be tried and punished in accordance with these laws. I told his excellency that there were antecedent circumstances in relation to the case, the testimony for which could only be obtained among the crew, and that consequently it would be advantageous for the ends of justice that the criminal be tried where this testimony could be obtained. His excellency replied that it was impossible to surrender the offender, but if we wished to present this testimony it would be received.

Captain Foster then referred to the case of the crew of the *Rayo*, and spoke of the injustice of sending those men (many of whom were American citizens) on there in a destitute condition, and dependent on the charity of myself and others for their subsistence after they had been in the service of this country several months. At this stage of the interview General Chacer, rear-admiral of the Spanish navy, who had arrived at this port on the day previous in the steamer *Francisco de Abis*, came into the palace, and as we had been informed by his excellency the President that an interview had been appointed with this officer for that hour, we considered it proper for us to retire. On leaving, however, I handed his excellency a note, of which I send a copy, in relation to the same matter. His excellency assured me he would attend to it as soon as he could confer with the commander of the *Rayo*.

The same evening Commander Read called on me, at the request of his excellency, and showed me, attached to his crew list the signatures of the seamen in whose behalf I had applied for wages; which signatures appeared to have been affixed since the vessel was under the Colombian flag.

I told him that in such a case there should be no further interference on my part. He said that the President would give us an answer as regarded the other men by nine o'clock the next day.

Not having an answer at twelve o'clock the following day, I again called upon his excellency and stated that the *Oseola* could remain no longer; that sufficient time had been given, if it had been the desire to discharge and pay off those men and send them on board of the *Oseola*, or to have answered my note; but that as neither had been done, Commander Foster must leave at once, and could only report the matter to the commanding officer on the station.

His excellency then apologized for not having acted more promptly in the case, saying he had been occupied by his conference with the Spanish commander, and that the same had been productive of such favorable results as he thought would also assist to arrive at a satisfactory settlement of the present question. He then informed me that it had been agreed that the *Rayo* should be released upon the guarantee of his excellency, as agent of the national government, that she should not be disposed of to any enemies of Spain. He remarked that he presumed that when this circumstance was known to the crew of the vessel in question they would be contented to remain in her; but if not, his excellency assured me that their wages should be paid for the time they had served under the Colombian flag, and their passage paid by the royal mail steamer to Aspinwall. I told him that this would be satisfactory.

I then reported his excellency's agreement to Captain Foster, who then left for Aspinwall. On the following day, having to call upon his excellency in relation to other matters, he informed me that the arrangement with the Spanish admiral had not been fulfilled by the latter, who excused himself, saying that he had received orders from the Captain General of the island of Cuba not to release the *Rayo* except with the guarantee of the national President. It is the general opinion here, however, that reports from on shore, and from the authorities at Santa Martha, influenced the Spanish officer to act as he did. As the mail steamer was to sail yesterday, I applied to his excellency, who gave me a list and the account of seventeen seamen, which had been presented to him by the commander of the *Rayo*, as being the only persons among his crew who were dissatisfied and had a right to claim American protection. These accounts were made not only for the time the vessel had been under the Colombian flag. I thought it best to accept them, however, mentioning to his excellency that I reserved for these men the right to claim the wages due them up to the time of their arrival at Santa Martha, either from this government or the parties who shipped them at New York. I also intimated to him that I had not had an opportunity to inform myself if those seventeen men constituted the whole of those of the crew who were so situated, and for whom it was my duty to claim.

I then received from his excellency an order for the money due the men on their accounts, and pay their passage to Aspinwall. This I paid to those men who were delivered to me on board the royal mail steamer, by which I sent them yesterday. Commander E. J. Read, of the *Rayo*, called on me and stated that he had been employed by the Colombian minister at Washington, General Salgar, to procure and fit out certain vessels for the Colombian government, also to obtain officers and crews for the same; that under such instructions he had procured the "*R. R. Cuyler*," an American steamer, which was allowed to leave the port of New York to come to this coast, where she was to assume the Colombian flag, with the knowledge of the President of the United States and all such authorities as were competent to interfere in the matter, and with their consent. He has shown me his authorization from Mr. Salgar. He says that in accepting his commission, himself and the officers of his vessel expected to transfer their allegiance from the United States of America to the government of Colombia in good faith, with the change of flag of the steamer.

But he now has reason to suppose that the steamer may not be recognized as a Colombian vessel, and himself and companions as officers of the Colombian navy, either by this government or Spain; and that in such a case the change of nationality, both as regards the vessel and the officers and crew, has been illegal, and consequently they shall claim to be still American; and he desired to know from me if, in such a case, he should hoist the American flag on the vessel and claim protection for himself and the officers and crew, whether I would recognize and protect them. As this is a serious matter, I declined answering him until I could refer the matter to yourself.

I trust, therefore, that you will instruct me how to act in such a case. It is evident to me that the officers of this vessel are dissatisfied with their position, and I think it is probable they may take some step of this kind very soon.

I have the honor to be, sir, your obedient servant,

AUG. S. HANABERG.

General PETER J. SULLIVAN,
United States Minister, Barranquilla.

Mr. Sullivan to Mr. Hanaberg.

LEGATION OF THE UNITED STATES,
Barranquilla, United States of Colombia, June 7, 1867.

SIR: Your dispatch of June 2, No. 15, relative to the nationality of the war steamer *Rayo*, and the intimation of her commander, Captain E. G. Read, to hoist the American flag if protected by you, reached me but yesterday.

As to the nationality of this steamer I have no other evidence before me than the verbal statement of the American commercial agent at the port of Santa Martha, which is: "That the said Read, when at that port, very adroitly (without giving up the register under which, as he said, he had brought this steamer from the port of New York) changed her name from Cuyler to *Rayo*, and her nationality from that of the United States of America to that of the United States of Colombia."

Under what register, under what flag, was this steamer and her commander acting at the time she was taken possession of by the Spaniards? By what means had he procured the registry of this steamer from the collector of the port of New York? By what authority does he now claim the right to hoist the American flag, and thus change this war vessel from the Colombian to the American navy? I know of none.

Captain Read cannot, in the absence of justifiable evidence, which has not yet been produced to me, claim protection under the register and flag of the United States, which he had bartered at Santa Martha for the Colombian register and flag.

You must not take his mere assertions as to any knowledge or approval of the United States of the character and extent of his employment by the Colombian government.

In my dispatch to you of the 25th of May (No. 5) I had stated my views on the employment and detention of the crew of this vessel; but can the officers claim protection of the United States on the ground of their ignorance of the true character of this steamer at the time they had procured her for the Colombian service?

Should Captain Read, under these circumstances, now hoist the American flag, he would, in my opinion, have committed a high crime against the laws of the United States, for which you would, I think, be justified in arresting and sending him home for trial.

But, again, I advise you to be cautious in this matter; and I am clearly of the opinion that you should be guided by the suggestions which you will find in my dispatch above alluded to.

I am, sir, with great respect, your obedient servant,

PETER J. SULLIVAN.

AUG. S. HANABERG, Esq.,

U. S. Consul at Carthagena, United States of Colombia.

Mr. Seward to Mr. Sullivan.

No 4.]

DEPARTMENT OF STATE,

Washington, June 13, 1867.

SIR: Dispatches have been received from the minister resident and from consuls of the United States in the republic of Colombia. From these dispatches it appears that the President of the United States of Colombia has dissolved the national congress and proclaimed the republic to be in a condition of civil war. Civil war is here understood to be actually existing in that country. Official information has been received that the authorities of the State of Panama, one of the constituent States of the republic of Colombia, are actually levying and demanding extraordinary taxes from the citizens of that State, including all domiciled United States citizens, with the acknowledged purpose of using the revenues thus obtained in carrying on war against the hitherto recognized authorities of the federal government of that republic. The department is further advised that not only are such taxes demanded, but the payment thereof, although they are levied for a future period, is required in advance. United States citizens who are menaced with this extraordinary taxation have applied to this government for protection against the same.

Citizens of the United States domiciled in the State of Panama and

within the republic of Colombia have no lawful exemption from ordinary and equal taxes which are levied in a constitutional manner and for constitutional purposes by the authorities of the federal or State government, of that country. It is by no means clear, however, that such domiciled United States citizens can legally or justly be subjected to the payment of extraordinary taxes or contributions to the government of a state for the purpose of resisting, and, as it would now seem, absolutely overthrowing the federal union of Colombia, to which government the United States are bound to guarantee a constitutional control, regulated by treaty with the United States, of the international railroad transit across the Isthmus of Panama. At the same time the civil war which has been proclaimed in Colombia is manifestly imperfectly developed, at least is very imperfectly understood here.

The government of the United States desires to maintain peaceful relations with the United States of Colombia. Moreover, the United States do not desire to embarrass the independent action of that republic by recognizing prematurely or unnecessarily any belligerent parties or powers there. On the other hand, the United States are not now prepared to admit that the complaints of the United States citizens in Panama before mentioned are without just foundation in the treaty which exists between the two countries, the constitution of Colombia, and the law of nations. The voluntary payment of taxes to the State of Panama for the purpose of carrying on war against the republic of Colombia might embarrass the United States in the fulfillment of their treaty obligations to the republic of Colombia, while it would seem likely to compromise the just claims of those citizens upon that republic for protection and redress.

For the present, therefore, and until further direction shall be given by this department, United States citizens resident in the State of Panama may decline to pay such taxes and contributions as are above described, except under protest. If payment shall be forced by the authorities of Panama, they will file their protests with the United States consuls, by whom such protests will be immediately transmitted to the minister resident of the United States, if he is conveniently accessible; and if not accessible, then directly to this department.

When the character of the conflict shall be more fully known the determination of this government upon the questions submitted to it will be promptly made, and such proceedings will in any case be adopted as shall conform to treaty obligations, while they shall fully protect the citizens of the United States in their just and lawful rights.

Only such blockades as shall be duly proclaimed and maintained by adequate force, in conformity to the law of nations, will be observed and respected by the United States. The naval authorities of the United States in the waters of Colombia will be expected to exercise vigilance during the continuance of the civil war, conferring with the minister resident in preventing any obstruction of the inter-oceanic transit, or any unlawful violence to citizens of the United States.

The minister and the consuls will make the contents of this dispatch known to the federal and state authorities of Colombia. A copy of the same has been delivered to the minister plenipotentiary from that republic residing at Washington.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

PETER J. SULLIVAN, Esq., &c., &c., &c.

[Same to all the consuls and consular agents of the United States in the republic of Colombia.]

Mr. Sullivan to Mr. Seward.

[Extract.]

No. 9.]

LEGATION OF THE UNITED STATES,
Baranquilla, June 29, 1867.

SIR: * * * * *

President Mosquera has fallen, and is now a close prisoner at Bogota, in the hands of the conservatives, who now rule all this country (except the State of Bolivar, on the sea coast,) according to its constitution and laws. General Lopez, Mosquera's secretary of war, aided by the president of the State of Bolivar, still holds all the sea-coast of Colombia, except the port of Santa Martha, which he has blockaded with but an occasional visit of the steamer Colombia, the only war vessel under his command, and it is not yet known whether he will yield to the powers that be, or war against them. He is working very hard to procure the release of the steamer Rayo, and, should he succeed, of which there is but little chance, he will prolong this war for selfish ends. On the 22d instant his soldiers here had a sectional fight among themselves, and many of them are reported to have been killed or wounded, and many more of them to have deserted.

On the 15th instant an extra session of the legislature of the State of Bolivar met at Carthagena to decide whether this State should acknowledge the unanimous action of the other eight States of Colombia, or make war against them: and, as this legislature is supposed to be equally divided on the subject, it is impossible to judge in advance of its action. I am very anxious to hear from you on the subject of these unforeseen difficulties that environ me; but of one thing you may rest assured, that I shall not give either of the contending parties here any just cause of complaint against the United States or myself.

* * * * *

I have the honor to be, sir, with profound regard, your obedient servant,

PETER J. SULLIVAN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Sullivan to Mr. Seward.

[Extract.]

No 10.]

LEGATION OF THE UNITED STATES,
Baranquilla, June 30, 1867.

SIR: Since my dispatch to you of yesterday, (No. 9,) Baranquilla has been unexpectedly captured by General Riasco, commanding the conservatives of the State of Magdalena. He was received with unfeigned joy by almost every person here. He starts up the Magdalena River this evening, and will open the way to Bogota, heretofore obstructed by the Mosquera-Lopez party.

* * * * *

I shall go up the river this evening, per Hondá, and thence to Bogota as soon as possible.

* * * * *

The American officers of the celebrated war steamer *Rayo* have left her, and after having endeavored, but in vain, to carry off the blockading war steamer *Colombia*, which grounded, they betook themselves to the schooner lately captured by the *Colombia*, and are said to have made their way to Santa Martha to join the conservatives.

* * * * *

I have the honor to be, sir, your obedient servant,
PETER J. SULLIVAN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Sullivan to Mr. Seward.

[Extract.]

No. 11.] LEGATION OF THE UNITED STATES,
Near Bogota, July 6, 1867.

SIR: I have the honor to acknowledge the receipt of your dispatch of June 13th, (No. 4,) on the subject of the rights and obligations of American citizens residing in the United States of Colombia.

* * * * *

The war in this country is still unabated, and nothing new has transpired here since my dispatch to you of June 30th, (No. 10,) except the defeat of General Riasco's forces by General Mendoza, on the Magdalena River, about sixty miles above Baranquilla. But this will not preserve the little band of irresponsible triflers who pretend to sustain the fallen cause of General Mosquera from the inevitable overthrow and punishment that await them.

I have the honor to be, sir, your obedient servant,
PETER J. SULLIVAN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Sullivan to Mr. Martin.

No. 15.] LEGATION OF THE UNITED STATES OF AMERICA,
Near Bogota, U. S. of Colombia, July 6, 1867.

Sir: I have the honor to transmit to you, herewith, a copy of instructions addressed to me on June 13th, 1867, by the honorable the Secretary of State of the United States of America, on the subject of the obligations and rights of citizens of the United States of America residing in the United States of Colombia.

I beg leave to entreat your excellency to receive with favor the wisdom and good intentions towards your country which the said instructions impart.

And believe me to be, with distinguished consideration, your excellency's most obedient servant,

PETER J. SULLIVAN.

His Excellency Don CARLOS MARTIN,
Secretary of the Interior and Foreign Relations, U. S. C.

Mr. Seward to Mr. Sullivan.

No. 5.] DEPARTMENT OF STATE,
Washington, July 6, 1867.

SIR: Your dispatch No. 5, from Baranquilla, of the 29th of May last, relative to citizens of the United States claiming to have been carried,

against their consent, to Carthagena in the R. R. Cuyler or Rayo, has been received. It seems that, through the prompt and energetic proceedings of A. S. Hanaberg, esquire, United States consul at Carthagena, supported by the firmness and prudence of Commander Foster, of the Osceola, thirteen of the men were released, but without the payment of the wages due to them. The proceedings in regard to the shipment of these men at New York seems to have been irregular, and if the Colombian authorities were cognizant of them, they would afford ground for complaint against that government. You will accordingly ask for explanations from that government.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

PETER J. SULLIVAN, Esq., &c., &c., &c.

Mr. Seward to Mr. Sullivan.

No. 6.]

DEPARTMENT OF STATE,

Washington, July 5, 1867.

SIR: A dispatch of the 14th of June has been received from Mr. Rice, in which he refers to the question of extraordinary taxation by the State of Panama, for purposes connected with the civil war in Colombia.

The character of that war and the situation of the belligerents still remain very obscure, so far as information has reached this government.

I have, therefore, to refer you to my circular dispatch of the 13th of June, and to inform you that at present the views therein expressed have undergone no change.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

PETER J. SULLIVAN, Esq., &c., &c., &c.

(Same to F. W. Rice, esq., United States Consul at Aspinwall.)

Mr. Seward to Mr. Sullivan.

No 7.]

DEPARTMENT OF STATE,

Washington, July 6, 1867.

SIR: I have to acknowledge the receipt of your dispatch of the 29th of May, No 6, which was written at Baranquilla.

The way of civil war is precarious and uncertain. It is practically impossible for us, at so great a distance, to apprehend the exact condition of the political conflict which has recently broken out in the United States of Colombia. We earnestly desire that order, repose, and peace may prevail in that country; but its condition, nevertheless, depends little upon our wishes, and, on the contrary, chiefly, depends upon the practical wisdom of the people of Colombia.

We do not desire to recognize political changes unnecessarily or prematurely, while at the same time we are well aware that changes are likely to occur which may force themselves upon the attention of foreign and friendly states.

Under existing circumstances, I think it proper to give you a word of caution not to commit yourself by formally recognizing any constitu-

tional change of government until you shall have referred the subject to this department for the consideration of the President of the United States.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

PETER J. SULLIVAN, Esq., &c., &c., &c.

Mr. Seward to Mr. Sullivan.

No. 8.]

DEPARTMENT OF STATE,
Washington, July 16, 1867.

SIR: I have to acknowledge the receipt of your dispatch of the 7th ultimo, inclosing copies of the correspondence between yourself and our consul at Carthagena in relation to the steamer Rayo, formerly the R. R. Cuyler.

This government having been informed by General Salgar, minister, &c., of the United States of Colombia, that his government had entered into a contract for the purchase of the R. R. Cuyler, to be delivered at one of the ports of Colombia, and the bond authorized to be required by the neutrality act, that the vessel should not be employed to cruise or commit hostilities against the subjects, citizens, or property of any state with whom the United States are at peace, having been duly executed, she was permitted to sail upon her voyage, in the expectation that she would become a public armed vessel of the United States of Colombia. It is understood that the delivery was completed in one of the harbors of that republic, and that she has since borne the Colombian flag. She will therefore not be recognized as an American vessel until she shall obtain a new register in the United States as the property of some of our citizens.

Those of her officers and crew who were citizens of the United States have not forfeited that character by the mere circumstance of taking service under the United States of Colombia, though so long as they remain in that service they must content themselves with such protection as it affords.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

PETER J. SULLIVAN, Esq., &c., &c., &c.

Mr. Sullivan to Mr. Seward.

[Extract.]

No. 12.]

LEGATION OF THE UNITED STATES,
Bogota, August 10, 1867.

Sir: On the 15th of April last I left my residence in Ohio for my post, and after a journey of ninety-eight days, the time actually and necessarily occupied in proceeding from my said place of residence to my destination, I arrived in this city, with the full approbation of both parties in this country, on the 22d of July last, and entered upon the discharge of my official duties the next day.

* * * * *

On my arrival here I found the old congress in session, and a regularly organized government established, with General Santos Acosta, the second designado and commander-in-chief of the army, at its head.

Inclosure A is a copy of my letter to the secretary of the interior and foreign relations, announcing my arrival and mission: B is a translation of his reply. C, D—the “Diario Oficial,” (a translation of which I also inclose you,)—contains an account of the splendid civil and military welcome which I received, my address, and the President’s reply, on the occasion of my being officially presented to him by the secretary of foreign relations on the 25th of July. It is generally admitted by all who were present that this reception was one of the grandest ever accorded to the representative of any foreign government in this country.

The present government has been promptly and fully recognized by all the representatives of foreign governments here; by all the States in the union but Bolivar. It is destined to become popular, and, I hope, permanent. It is composed of the best men in the liberal party, and is warmly supported by the powerful conservatives.

Congress has declared war against the State of Bolivar, and has authorized the President to call out as many troops as he may deem proper to suppress the existing rebellion in that State; and for that purpose the government will in a few days send 3,000 troops to the coast.

General Mosquera has, as I predicted in my dispatch No 4, of May 24th, fallen a sad victim to his insatiable thirst for dictatorial power. He is still in jail. On the 1st instant he addressed a letter (E) to both houses of congress, resigning the presidency of the republic. This will not now be accepted, and he will be tried for treason, either by this or the next congress.

* * * * *

Just as I was about to close this dispatch I learned, as a fact, that the officer and guards over the penitentiary in this city, bribed by Mosquera’s partizans, had run off with all the convicts, with the view to rise against the government and release Mosquera by force; and that one or two other outbreaks between here and Hondá had taken place; but all have been promptly and efficiently checked and baffled by the fidelity of the government troops. Some of these would-be liberators have been caught, and are now in safe keeping.

I have the honor to be, sir, your obedient servant,

PETER J. SULLIVAN.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

A.

Mr. Sullivan to Señor Martin.

LEGATION OF THE UNITED STATES OF AMERICA,
Bogota, United States of Colombia, July 23, 1867.

SIR: I have the honor to inform you that I have been duly commissioned as minister resident of the United States of America to the United States of Colombia; to inclose to you an office copy of my credentials; and to solicit, through your good offices, an audience with the President at as early and convenient a moment as possible.

I have the honor to be, sir, your obedient servant,

PETER J. SULLIVAN.

His Excellency Don CARLOS MARTIN,

Secretary of the Interior and Foreign Relations, U. S. C.

B.

Mr. Martin to Mr. Sullivan.

[Translation.]

DEPARTMENT OF THE INTERIOR AND FOREIGN RELATIONS,
Bogota, July 24, 1867.

The undersigned, secretary of the interior and foreign relations of the United States of Colombia, has had the honor to receive the very attentive communication dated yesterday, which Mr. Peter J. Sullivan was pleased to address him with a view to inform him that he has been appointed minister resident of the United States of America, near the Colombian government, and hand him an official copy of his credentials, soliciting, also, an audience of the citizen President of the republic.

The undersigned, after having acquainted the first magistrate of the nation with the communication to which he has the honor to reply, has the pleasure to inform Mr. Sullivan that to-morrow, July 25th, he will be received in public audience by the President of Colombia, at 3 o'clock in the afternoon, at the government house; for which purpose the chief clerk of this department of state will duly present himself at Mr. Sullivan's place of residence, in order that on the way to the government house he may accompany him to the office of the undersigned, in which he will have the satisfaction of renewing to Mr. Sullivan the assurances of the very distinguished consideration which he now has the pleasure to present him.

CARLOS MARTIN.

C.

Remarks of General Peter J. Sullivan, the American minister, on presenting his credentials to the President of the United States of Colombia.

MR. PRESIDENT: In presenting to your excellency my credentials as minister resident of the United States of America to the United States of Colombia, I beg leave to assure you that the President and people of the United States of America are impressed with the deepest, the most heartfelt desire to cultivate and ever cherish the most friendly relations with the government and people of the United States of Colombia, and to see your people united, prosperous, and happy.

In the country which I have the honor to represent the energies of man have their full scope; reason, unshackled, maintains a controlling sway; and virtue and bravery, presiding over the breast of each freeman, leads him, when his country is in circumstances of difficulty and danger, to the performance of those deeds which renders him not only honored while living but revered when dead.

And you, Colombians, like your North American friends, have given to the world the bright example of what true patriotism and love of country can suffer and sacrifice for national liberty and constitutional government. Your devotion to the cause of human freedom, based on the rights of man, is well known and appreciated in the country which I have the honor to represent.

I beg leave to assure your excellency that I shall make it my study and aim to carry out the views of my government, and to merit ~~your~~ ^{your} approbation and esteem.

And now, sir, with these sentiments, I offer you ~~my~~ ^{my} hand, and with it the best wishes of a heart that glows with sincere friendship toward you personally, and the government of which you are the head.

D.

[Translation.]

Answer of the President of the United States of Colombia to the discourse of Mr. Peter J. Sullivan, minister resident of the United States of America.

MR. MINISTER: Upon receiving the credentials which constitute you minister resident of the United States of America, in the Colombian Union, I have had the satisfaction to hear you say, in the name of your enlightened government, and in that of the great nation to which you belong, as well as of yourself, who is one of its distinguished citizens, that you have the greatest desire to cultivate and maintain the most cordial and friendly relations between the two governments and nations, and to see this nation in the enjoyment of peace and prosperity.

Allow me, general, to observe to you, with the view to your communicating the same to your government, that the sentiments of the Colombian nation, of which the present government believes itself to be the faithful interpreter, correspond in the sincerest and most ample manner to your benevolent expressions.

The American government, which has given to the world a great example of the power of democratical institutions when firmly rooted in societies such as yours, laborious, honest, and worthy, has demonstrated that the republican form of government is an indestructible fact, and thereby afforded hopefulness and strength to the Spanish American nations of the land of Columbus, and that the said form of government is the one which is suited to our land.

To obtain such a form of government our respective endeavors in favor of liberty and law have been great; and therefore it is that we admire your nation, and endeavor, by all the means in our power, to preserve the said benevolent relations.

The arrival in the country of such a representative as you are of the American government is most grateful to my government, and the latter on its part will make every effort to correspond to your desires.

I have heard, general, the opinion you express of the political character of my fellow-citizens, and I accept the flattering words which you have been so good as to direct to me. I feel myself honored in corresponding, as I do with the utmost cordiality, to your friendly sentiments.

Remarks of the Official Gazette.

[Translation.]

Subsequently the President presented to the minister the public functionaries who were present, and stated that the secretary of war, by reason of sickness, had been deprived of the honor of being present at his reception.

A cordial and friendly conversation was entered into after the presentation, and the minister left the government house, accompanied by the sub-secretary of the interior and foreign affairs, after receiving the honors due to his high diplomatic and military rank.

E.

[Translation.]

Resignation of General Mosquera.

CITIZEN SENATORS AND REPRESENTATIVES: T. C. de Mosquera, grand general of the Union, and constitutional President of the same, presents to you the formal and definite resignation of the chief magistracy to which he was called, while absent from the country, by the spontaneous wishes of the people.

The political occurrences that have taken place in the republic since it was inaugurated last year, up to the 23d of May last, are well known to you, citizens, senators, and representatives; deprived on that day, by force, of the exercise of my functions as President of the Union, I consider that by that act, new in the history of the country, my public life, which for more than half a century has been consecrated to the loyal, constant, and disinterested services of my country, has terminated.

Since the accomplishment of the acts of the 23d of May, I would wish that my name may not serve as a source of civil discord, nor a motive for war. The violent manner in which I was deprived of my liberty, and the exercise of my constitutional functions in consequence, I immediately hastened to resign before the supreme federal court the office of President of the republic. The incommunication in which I was kept obliged me to send my resignation through the present acting head of the nation, General Santos Acosta, for motives which it is not necessary to mention here has pleased to give due course to it.

Now that you are in session, I formally reiterate it, as a gift which I offer to the tranquillity of the republic, and as another element which I put forward toward the great work of conciliation to the Colombians.

As for the rest, I am ready to appear before the senate of the republic to answer for my official conduct, and to defend there, and afterwards before the whole country, the acts of my administration, all of them tending to secure the liberty, sovereignty, and independence of Colombia, and to foment the progress, the improvement, and civilization of the republic.

T. C. DE MOSQUERA.

BOGOTA, August 1, 1867.

Mr. Sullivan to Mr. Seward.

[Extract.]

No. 13.]

LEGATION OF THE UNITED STATES,
Bogota, August 12, 1867.

SIR: * * * *

The decree of General Mosquera, dated November 17, 1866, upon the adjudication of maritime prizes, and against which you have protested, was, on the 31st ultimo, annulled by decree of the President of Colombia.

I have the honor to be sir, your obedient servant,

PETER J. SULLIVAN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Sullivan to Mr. Seward.

No. 14.]

LEGATION OF THE UNITED STATES,
Bogota, August 12, 1867.

SIR: On the 1st instant I held a long conference with Señor Doctor Carlos Martini, secretary for foreign relations of the United States of Colombia, relative to the troubles which beset his country, especially the overthrow and imprisonment of President Mosquera. His excellency then detailed to me the history of his country's wrongs, a minute of which is herewith transmitted, marked A; and at the same time the honorable secretary furnished me with the following documents, with the request that I would lay them before my government, for its impartial judgment on the subjects of which they treat, viz:

G, is copy of his letter accompanying them;

H, is my reply;

B, the secret treaty of General Mosquera and the Peruvian government, aiming at a southern confederacy, prejudicial to the growth and influence of the United States;

C, the resolutions adopted by the Colombian congress, April 29, 1867, relative to the war steamer Rayo;

E, a note of the said Señor Martini to the Peruvian minister, July 5, 1867, denying the validity of this secret treaty, and repudiating it;

F, a memorandum of the laws defining the duties and powers of the President and congress of Colombia.

J, a copy of my instructions to the commander of any United States war ship at Colon, or Carthagena, to keep surveillance over the steamer Rayo until the opinion of our government is known on the subject.

Each and all of these documents explain themselves.

I have the honor to be, sir, your obedient servant,

PETER J. SULLIVAN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

G.

Señor Martin to Mr. Sullivan.

[Translation.]

OFFICE OF THE SECRETARY OF THE INTERIOR
AND FOREIGN RELATIONS,
Bogota, August 7, 1867.

The undersigned, secretary of the interior and foreign relations of Colombia, has the honor to address the honorable General Peter J. Sullivan, minister resident of the United States of America, and to remit him the inclosed documents which he offered him in the conference which he held with his excellency on the first of the present month, and which are as follows:

First. The letter A, being each a protocol of the above mentioned conference. His excellency will please return to this department, duly signed, one of these two documents, should he find the protocols correct.

Second. The two documents marked with the letter B, in which will be found the secret convention of the 28th of August, 1866, in Spanish as well as in English, and which are, like the following documents, for his excellency to retain in his possession.

Third. A document marked with the letter C, containing the resolutions adopted by the house of representatives on the 29th April last, relative to the war steamer Rayo, and a translation in the English of those resolutions.

Fourth. A document marked with the letter D, being an authenticated copy of the protocol translated into the English language.

Fifth. The document marked with the letter E, containing a translation in the English language of the note addressed under date of 5th of July last to the Peruvian minister, denying the validity of the secret convention in the *Diario Oficial* No. 792, of which inclosed is a copy duly authenticated, will be found inserted the above note, in Spanish.

Sixth. A memorandum F, of the constitutional laws (*disposiciones*) that determine where the party making power resides, giving them due validity in the United States of Colombia.

The undersigned renews to the Hon. Mr. Sullivan the assurances of his very distinguished consideration.

CARLOS MARTIN.

A.

Minute of a conference between the secretary of the interior and foreign relations of the United States of Colombia and the honorable General Peter J. Sullivan, minister resident of the United States of America, on the 1st of August, 1867.

The honorable General Peter J. Sullivan, minister resident of the United States of America, having been previously invited to a conference with the secretary of the interior and foreign relations, repaired to the office of the said department at one o'clock in the afternoon.

To facilitate the intercourse between the honorable minister and above-mentioned secretary, Mr. Eustachio de la Torre Narváez, assistant secretary of the department of state, gave his services as interpreter. The secretary explained, in the name of the Colombian government, that the present appointment which had been made with the honorable minister, was with the view of informing him fully with an important affair in which the American government is concerned, although it be in an indirect manner.

That the government of Colombia, with a high appreciation of the relations which unite it with that of the American Union, and their preservation upon the footing of a perfect intelligence and cordiality, considers that the means of maintaining and assuring the same relations is to proceed with most perfect honor, loyalty and frankness as regards the American government, and that, in accordance with the said line of conduct, the Colombian government, through the secretary of foreign relations, lost no time in addressing the honorable minister with reference to the secret convention of August 28, 1866, entered into by the Colombian cabinet of General Mosquera by means of his plenipotentiaries, Messieurs Froilan Largacha and Rudecindo Lopez, with the government of the Peruvian republic, represented by her envoy extraordinary and minister plenipotentiary in Bogota, Don Manuel Freyre, as well as regarding the effects which the said secret convention would have produced in the United States of America.

The honorable General Sullivan stated in reply, and in the name of the American government, the pleasure caused them by so honorable and loyal a proceeding on the

part of the present Colombian government in respect of the said United States of America, a proceeding which he lost no time in acknowledging.

And the secretary, before entering upon the subject, and in the act of offering to the honorable American minister the authentic copy of the secret convention, which has been prepared for the purpose, requested the assistant secretary to translate into English the said convention in a perfect and literal manner, in order that the honorable minister might have an immediate and correct knowledge thereof; a circumstance which was necessary for the purpose of the conference.

The honorable General Sullivan, having inquired of the secretary concerning the constitutionality and validity of the said secret convention, the different enactments of the Colombian constitution contrary to the entering into such acts on the part of the President of Colombia, without the intervention and legal approbation having been given them by the legislative body, were laid before him. A memorandum of these enactments accompanies the present minute. And the secretary added that the Colombian government had refused to recognize the secret treaty on the 5th of July ultimo, by reason of its unconstitutionality, principally on account of its not having been approved by the Colombian congress, as was stated to the Peruvian minister in a note of the above mentioned date, which was published in the *Diario Oficial* No. 972, an authentic translation of which is herewith enclosed. The secretary then making a reference to the subject in its bearings upon the American government, said: "The above-mentioned secret convention, entered into without instructions from the senate by General F. C. de Mosquera, as President of the republic, in accordance with its first article, was to produce certain effects in the United States of America, and General Mosquera's administration, as far as it has been possible to understand the matter, proposed to carry it into effect in New York, by means of a special agent, in accordance with express instructions, and not through General Salgar, who was at that time Colombian minister at Washington."

Notwithstanding this, General Salgar, upon the application of the Peruvian minister in the said city, in consideration of an authentic copy of the convention, which was laid before him by the said minister, and without having as yet received any corresponding instructions, proceeded in conjunction of Señor Barrera, Peruvian minister to the United States of America, to purchase for Colombia, with Peruvian funds, the war steamer called at present *Rayo*, and formerly the *R. R. Cuyler*. The captain of the *Rayo* received from General Salgar an order to sail the ship of war to the Colombian port of Santa Martha, but when he was about to comply with the said order she was detained in the bay of New York, in consequence of an application made to the American government by Spanish agents. By reason of this detention General Salgar addressed the Department of State soliciting the release of the vessel, as belonging to the Colombian government. Mr. Seward, on the 13th of February last, said to General Salgar that, after having consulted the Attorney General, it had been resolved to allow the *R. R. Cuyler* to depart, which the said vessel did on the 25th of the same month of February last.

The vessel arrived at Santa Martha, where it was to be delivered, in order to receive the documents of nationality to be issued by the Colombian government, as was accordingly done by the administration of General Mosquera.

Such was the situation of the affair when the event occurred which was ushered in by the 29th of April last. The chamber of representatives having received information of the arrival of the steamer *Rayo* upon the coast of Colombia, and having the right to interfere in a matter of so much importance, applied to the executive power for an explanation thereof, not deeming true the assertion made by General Mosquera, a few days before, that the said vessel was his private property. The executive power having refused the desired explanations, the chamber approved certain resolutions, irritated General Mosquera, and then, on the said 29th of April, he dissolved the congress, imprisoned some of the senators and representatives, and the President of the State of Cundinamarca separated the city of Bogota from the territory of the said State, erecting a federal district, appointed judges, &c., disavowed, finally, the constitution of the republic, and exercised a dictatorial power.

The foregoing acts of General Mosquera were followed by his disavowal as such President on the part of the army stationed on the capital of the republic, and of all the towns of the country wherever they could act with liberty.

General Santos Acosta, the second substitute, elected with an almost entire unanimity by the congress for the exercise of the executive power, the president of the said congress, President of the State of Boyacá, and general-in-chief of the army, assumed, under the constitution, on the 23d of last May, the presidency of the republic, in the presence of the supreme federal court, re-established the empire of the constitution and laws in all the territory of the republic, with the sole exception of the State of Bolívar, in which then existed a division of the national troops under the orders of the ex-General Rudecindo López, an officer of the dictatorial government; convoked the congress which had been violently dissolved by the dictator, was recognized as President of the

Union by the representatives of friendly governments residing in the capital, and by the said national congress.

The present government of Colombia, on becoming acquainted with the secret convention, and of the effects which it had produced, would have dispatched a diplomatic agent to the United States of America, in order to lay all these facts before the government of the said States, but for the knowledge which it had obtained of the speedy arrival in the capital of the worthy representative of the said government, to whom the secretary has had the honor of presenting this frank explanation.

The Colombian government, after the occurrences above referred to, has considered that the sailing of the steamer of war *Rayo* out of the bay of New York, might, under certain circumstances, appear to furnish motives of complaint on the part of the American government, from the moment in which the said vessel has ceased to figure as the property of the Colombian government, in consequence of the disavowal of the secret convention, in virtue of which she was acquired. In fact, the steamer *Rayo* has no right at present to make use of the Colombian flag and commission. The said anomalous situation of the vessel requires to be defined by the government of the Colombian Union, which has resolved to return the vessel to the Peruvian government, with whose funds she was bought. This proceeding is but just as regards the above mentioned friendly republic; but besides, the manner of making the return might be the cause of some event capable of originating a complaint, which, however just, would be entirely voluntary as regards the American government.

In order to satisfy the above expressed desires without the risk of any inconvenience and to reconcile all the necessities of the case, the Colombian government wishes to have the steamer *Rayo* returned to the agent from whom General Salgar obtained her, or to the government of Peru, in the same place whence she sailed; that is to say, in New York. But for this purpose the government of the Colombian Union has not at its command means sufficiently efficacious and secure of conveying the said steamer in security to New York.

In addition to the foregoing, the secretary stated the fear which the anomalous situation of the steamer *Rayo* caused the government. The said vessel, as has already been said, destitute of the Colombian patent and flag, was liable to the following dangers: 1. Of being captured by the Spanish squadron, the station of which is so near to the Atlantic coast of Colombia; 2. Of being taken by the squadron of the allied republic, for the purpose of augmenting the forces with which they carry on the war with Spain; 3. Of the mutiny of the crew of the vessel, with the view of joining the said allied squadron, or of transforming her into a pirate. In the former case, the Colombian government would regret the loss to Peru of a vessel upon which, or upon her value, she reckons as a consequence of acts which, although unwarranted, were executed or consented to by a Colombian administration, and having contributed in this manner a maritime triumph on the part of Spain, of no great importance, but of a disagreeable tenor, as regards the republics of the Pacific. In the second case the Colombian government would regret that that of the United States of America should have a motive, real or apparent, for considering that by means of a subterfuge the vessel had been taken out of the bay of New York, in order to increase the naval forces of the allied republics, compromising, although only in appearance, the due neutrality of the American government. In the third case, all parties would regret that the said vessel should become a pirate.

In order to avoid all these dangers, and in particular to satisfy the American government respecting the complaints which he may consider due to the proceedings of General Salgar—who, besides, had already been suspended since the 31st of last May, in accordance with the letter of recall which was sent to him, and who would be responsible to the supreme federal court of Colombia for his proceedings—the President of the republic put at the disposal of the minister the steamer *Rayo*, in order that, if he should consider it convenient, she should be conveyed to New York in the custody of a vessel of war belonging to his nation, for the purpose already mentioned; and the secretary added that the foregoing were the means which had occurred to his government, to conciliate all the duties which the latter might be supposed to owe in that respect, both to the United States of America and to the Peruvian republic.

The honorable minister said in reply that he could not take upon himself the responsibility of ordering a vessel of war of his nation to conduct the steamer *Rayo* to New York, and that he found himself under the necessity of waiting for instructions in respect thereto from his government, to whom he would communicate everything that had taken place during this conference; but that in order to avoid the dangers to which allusion had been made he would give a confidential order to one of the American vessels of war stationed at Colon to keep watch upon the *Rayo*. That as regards the remaining points he only appreciated the loyal conduct of the present Colombian government.

The secretary stated in conclusion that it was very pleasing to him to hear such expressions from the honorable minister, and insisted upon the desire of his government to place the steamer *Rayo* at the disposal of the honorable minister, with the view of

her being conveyed to New York, in order to be returned in the said port to the Peruvian government after having again stated to the American government that the said steamer did not belong to the government of Colombia.

The honorable General Sullivan stated in conclusion that it would afford him pleasure to represent his country near the present government of the Colombian nation; that his government, in recommending to him great prudence in recognizing any government which might be established in this country, had not limited the said right to make use of it on his part *ad referendum*; and that he had not delayed recognizing the actual President of the Union; that in order to manifest to the American government the justice of the said proceeding, he would lay before it whatever had passed during this conference.

Thus the said conference was brought to a close, and in the present minute a statement has been drawn up with reference only to what passed regarding the most important subjects which were treated of in the interview.

The above is an exact and correct translation of the original to which I refer the assistant secretary of state for the department of the interior and foreign affairs.

EUSTACHIO DE LA TORRE.

HON. PETER J. SULLIVAN,

Minister Resident United States of America to United States of Colombia.

B.

The secret treaty of President Mosquera with the Peruvian government, &c.

T. C. DE MOSQUERA, GRAND GENERAL OF THE UNITED STATES OF COLOMBIA.

Whereas the following secret agreement between this republic and the republic of Peru was celebrated by their respective plenipotentiaries on the twentieth day of August, of the present year of eighteen hundred and sixty-six:

In the name of God, Author and Legislator of the universe:

Whereas the republics of the United States of Colombia and Peru have entered into the most friendly relations since the celebration of the treaty of the sixth of July, eighteen hundred and twenty-two, under which they were perpetually united and confederated, though it was afterwards modified by the stipulations of the treaty of peace and friendship of the twenty-second day of September, of the year eighteen hundred and twenty-nine, under the third article of which they undertook to observe neutrality from passing through the territory of either of the two countries to offend the other, and the intimate relations of the two countries have been strengthened still more and more by the agreement of defensive alliance which their respective plenipotentiaries celebrated in the American congress at Lima on the twenty-third day of January, in the year eighteen hundred and sixty-five, already approved by their respective congresses;

And considering that the republic of Peru, as well as those of Bolivar, Chili, and Ecuador, are at war with Spain and cannot dispose of some ships of war and arms which she had bought in Europe and the United States of America, of which Colombia has need to increase her national navy and to complete her parks of artillery, now that this republic may be involved in a war to sustain the neutrality of the Isthmus of Panama against the enemies of the republic of Peru, or in case the *casus faderis* of the treaty of Lima should present itself, they have resolved to celebrate the following secret agreement, which will be carried into effect as soon as their respective governments shall approve and ratify it in the terms therein stipulated.

For which purpose the President of the United States of Colombia has conferred full powers on General Rudecindo Lopez, secretary of war and the navy departments, and on Doctor Froilan Largacha, secretary of the treasury department and national credit of the Union, and the supreme chief of Peru has conferred equal full powers on Colonel Manuel Freyre, envoy extraordinary and minister plenipotentiary of the said republic to the United States of Colombia, who, after having exchanged their respective full powers and found them in due and proper form, have agreed to the following articles:

ARTICLE I. The government of Peru cedes to that of Colombia all the rights which it has acquired in the United States of America and in Europe to several elements and vessels of war, in order that the latter may conclude for her own account the contracts for the purchase of the said elements and vessels, arming and manning them for her own service as national vessels.

ART. II. The funds which Peru has advanced on account of the contract already entered into are equally ceded to the government of the United States of Colombia to carry into effect the payment due to the contractors for the said vessels and elements of war, and shall furnish her also with those which she may require to carry into effect as

soon as possible the contract, and to secure the furnishing of the said vessels before the first of January, 1867, when the conventions celebrated in the American Congress are to be exchanged in Lima.

ART. III. The government of Colombia undertakes to pay for the said vessels the sum expended thereon by the republic of Peru, together with that which the latter is to furnish according to the terms of the present contract; and for this purpose pledges the whole of her revenues, titles, rights, salt works, and waste lands, which may be at her disposal, and the product of the interoceanic communications and those of the Buenaventura road, in which she possesses shares for one million of dollars.

ART. IV. In case the government of Colombia should find itself obliged to dispose of the above-mentioned vessels and elements of war, the government of Peru undertakes to receive them in payment for the sum in which they may have been contracted for by Colombia, without any deduction for the wear and tear which they have suffered in their service. In this case the government of Peru reserves to itself the right of naming the ports in the Pacific or Atlantic in which it may be convenient for it to receive the same elements of war, and the expenses caused thereby shall be for the account of Peru. The government of Colombia will not be responsible for the loss of the vessels, nor for that of the elements of war, until they arrive in the ports to which the said government may order them.

ART. V. The government of Peru undertakes to permit the officers of the Peruvian navy, who may choose to do so, to enter into the service of Colombia, for the purpose of taking charge of the said vessels, which shall be manned by the same persons already appointed by the Peruvian government, and those which the government of Colombia may think proper to add thereto.

ART. VI. The government of Peru undertakes to furnish to that of Colombia the necessary resources for repairing the fortresses of San José and San Fernando, and the batteries of Santo Domingo, San Favier and Santa Catarina in the bay and city of Carthagena, and the Morro of Santa Martha, in case Colombia should take part in the alliance entered into by the four republics of the Pacific, and if at that time Peru should not possess the elements required for the purpose, her government solemnly undertakes to furnish to that of Colombia the sum of five hundred thousand dollars, (\$500,000,) either contracting that amount on her own account, or furnishing her the guarantee for the purpose of obtaining it in the European markets.

ART. VII. The Colombian government undertakes to send a minister to the republic of Venezuela, which has also declared her neutrality in the war with Spain, in order to negotiate with the latter her adhesion to the republics of the Pacific together with Colombia, in case Spain should not yield to the councils of prudence and satisfy the just demands of the allied republics, in which case the league of Spanish America requires to be perfect.

ART. VIII. The republics of Peru and of the United States of Colombia undertake mutually to declare not to accept as an American principle any doctrine which shall not emanate directly from express treaties on their part, since the said contracting parties are sovereign and independent, and will themselves, in conformity with their own dignity, decide whatever questions may arise. In the same manner they undertake not to accept any European protectorates or alliances to the injury of the sovereignty of the Peruvian and Colombian nations, as well as not to stipulate any treaties or conventions which shall not be in absolute conformity with the principles of South American international law as sanctioned by the congress of plenipotentiaries.

ART. IX. This treaty shall be presented to the republics of Bolivar, Chili, and Ecuador, in case they should choose to adhere to it in the part which may be convenient to each one as respects the sale of vessels and elements of war which they may require to sell, and for the purpose of articles VI and VIII.

The present convention shall be approved and ratified by the respective governments within ninety days, if possible.

In witness whereof the respective plenipotentiaries have signed and sealed the present convention.

Done in duplicate, in Bogota, this twenty-eighth day of August, eighteen hundred and six-six.

FRILAN LARGACHA. [L. s.]
R. LOPEZ. [L. s.]
MANUEL FREYRE. [L. s.]

Therefore, I have resolved to approve and ratify the same, pledging the national honor for the observance thereof.

In witness whereof, I sign the present ratification, sealed with the arms of the republic, and countersigned by the secretary of state for the department of the interior and foreign relations, Bogota, this twentieth day of November, eighteen hundred and sixty-six

T. C. DE MOSQUERA. [L. s.]

JOSÉ M. ROJAS GARRIDO,
The Secretary of the Interior and Foreign Relations.

C

[Translation.]

The chamber of representatives considering that the nation has no other vessels of war than the steamers Criaspué, Bolívar, and Colombia, which have been ordered to be sold by the law of the 5th of the present month, "abolishing the navy of the Union;"

Considering that the congress of the Union has not ordered the acquisition of any other vessel of war, or for mercantile purposes, or the purchase of any kind of implements of war;

Considering that in several periodicals of Washington, New York, Lima, Panama, and other places, the purchase by the minister of Colombia in the United States of America of a vessel of war called R. R. Cuyler, the owners of which were Messrs. Robert S. Taylor, Russell Sturgis, Henry W. Hobbell, and Samuel Dallard, is published;

Considering that the said vessel has been denounced as being armed and prepared to act upon the high seas as a cruiser in the service of Chili and Peru against the maritime commerce of Spain, was captured and embargoed on the fourth of February last, by order of the cabinet of Washington, by the public officers, Messrs. Wakeman and Smythe;

Considering that the said steamer was set at liberty only in virtue of the solemn declaration made by our minister in Washington, General Eustorgio Salgar, that the said vessel had been purchased by the United States of Colombia and belonged to our national navy;

Considering that the executive power of the Union informed the chamber of representatives, through the secretary of war and the navy, Mr. Froilan Largacha, in a note dated the 27th of March last, section 1, No. 7, that the said vessel had recently arrived at Santa Martha; that she had been bought by order and for account of the Grand General T. C. de Mosquera; that the said vessel, and two or three more which the agents of the said grand general were about to purchase in Europe and the United States of America, were the private property of the above-named citizen, who had already nationalized the steamer called the Rayo;

Considering that our minister in Washington, notwithstanding he had no power from the Colombian Union to purchase merchant vessels, and much less vessels of war, had taken part in this matter and declared that the said steamer was intended to form part of our national navy, seriously compromising, in this manner, the faith and honor of the Colombian government and the neutrality proclaimed by the latter in the Spanish American contests at present in progress;

Considering that the said steamer is manned by foreigners, who nearly all of them have been either soldiers in the marines or sailors in the cruisers, or smugglers of the southern States of the Union; that the captain and officers are also foreigners, and that for the said reason the vessel could not be nationalized in Colombia, and neither could nor can have the right to hoist the Colombian flag;

Considering that no individual, be he who he may, is permitted to have in his own service vessels of war, since this is a right solely appertaining to the government and sovereigns, with the exception of privateers, bearing a commission from some nation, which commission has not been issued by Colombia in favor of the Rayo;

Considering that the executive power has observed a profound silence regarding all these facts which have been denounced both by the foreign and national press; that the reports which the chamber applied for in the session of the 4th instant, through a commission of its body, have not been accorded, and that this chamber of representatives is bound to clear up these facts in order to determine the responsibility incurred by any of the national officers thereby in accordance with the third section of the fifty-third article of the constitution;

Resolved, Let the executive power be applied to order the immediate disarming of the steamer called El Rayo, employing force, if necessary, in order to put an end to the violation caused by the presence on our coasts of the said steamer of war, unduly protected by the Colombian flag.

Resolved, That the attorney general of the Union be ordered, in consequence of the above-mentioned note of the secretary of war and the navy, to proceed immediately to prepare the proofs of the facts referred to in the foregoing consideration, and to make effective the responsibility which may have been incurred by the minister of Colombia in Washington, the national officers, and the Colombians who may have taken part in the purchase, arming, fitting out or nationalizing the steamer called Cuyler or Rayo, bearing in mind the enactments of the articles 262 and 263 of the law, 1, part 2, treaties 2, of the Recopilación Granadina, as well as the dispositions of article 1 of the law 7, part 3, treaties 2, of the said Recopilación.

Resolved, That he be also ordered to prefer an accusation regarding the responsibility incurred through the acts performed by the Colombian minister in Washington for obtaining the release of said steamer.

Resolved, Let the executive power be requested to pass copies of the preceding resolution and considerations to the foreign ministers resident in the capital of the republic.

Resolved, That the said considerations and resolutions shall be published in the *Registro Oficial*, as well as the steps taken by the attorney general of the nation, in obedience to the said resolutions, it being his duty to furnish a special account of the results thereof to the next national congress.

M. PLATA AZUERO.

BOGOTA, *April 27, 1867.*

A true copy.

RAFAEL PERÉZ,
Secretary of the Chamber of Representatives.

Resolutions approved by the house of representatives, on the 29th day of April, 1867, according to the act of their session published in the *Diario Oficial*, No. 697.

A copy.

EUSTACIO DE LA TORRE,
Assistant Secretary of State, for the Department of the Interior and Foreign Relations.

F.

[Translation.]

Memorandum of constitutional resolutions.

LEGISLATIVE POWER.

Section II.

ARTICLE 49. The following attributions belong especially to congress:

12. To resolve respecting the public treaties and conventions which the President of the Union may celebrate with other nations, and the contracts into which he may enter with the States and with individuals, whether natives or foreigners, which are to be subjected to their consideration.

14. To apply to the executive power for information relative to its acts and to any written or verbal reports which they may require for the better dispatch of their acts.

Section III.

ARTICLE 51. The following are the attributes of the senate:

1. To approve the appointment of secretaries of state made by the executive power; that of the superior officers in the different administrative departments; that of the diplomatic agents, and of the military commanders.

2. To approve the instructions given by the executive power to the diplomatic agents; to celebrate public treaties.

EXECUTIVE POWER.

ARTICLE 66. The following are attributes appertaining to the President of the Union:

3. To negotiate and conclude public treaties and conventions with foreign nations; to ratify and exchange them subsequent to the approbation of congress, and to attend to their punctual fulfillment.

17. To present to congress during the first days of their ordinary sessions a written message, reporting the course which the affairs of the Union may have taken during the period of their recess and their present situation, together with the report which it is the duty of the secretary of state to furnish.

The assistant secretary of state for the department of the interior and foreign affairs.

EUSTACIO DE LA TORRE.

E.

[Translation.]

UNITED STATES OF COLOMBIA, OFFICE OF THE
INTERIOR AND FOREIGN RELATIONS,

Bogota, July 5, 1867.

The undersigned, secretary of the interior and foreign relations, has received instructions from the citizen President of the United States of Colombia to apply to his

excellency the envoy extraordinary and minister plenipotentiary of the republic of Peru, with a view to inform him that the Colombian executive administration does not recognize as valid the secret convention entered into on the 28th of August, 1866, between his excellency as Peruvian plenipotentiary in this capacity, and Messrs. Froilan Largacha and Rudecindo Lopez as plenipotentiaries for Colombia.

This disavowal of the secret convention above alluded to is, on the part of the national executive power, a frank and sincere expression of a constitutional mandate, which ascribes, as his excellency is aware, to the legislative body of the country the right of approving the treaties or conventions which may be entered into for contracting obligations in the name of the said country, in virtue of instructions previously approved of by the senate of plenipotentiaries. In accordance with prescriptions of the constitution of Colombia, the faculty of conferring validity upon international compacts and of making them effective resides, therefore, exclusively in the federal legislative body, and the approbation of the instructions which may be given by the executive power for the celebration of such compacts corresponds to the Colombian senate of plenipotentiaries.

The time for presenting to the national legislative body the secret convention would have now arrived in order to impart it either its approval or rejection; but the present Colombian administration, notwithstanding the enthusiasm which it really feels for the noble cause which may become that of the whole of America, cannot admit as in any manner acceptable the stipulations of the secret convention, and will therefore abstain from soliciting the approbation of an act which has been considered in its councils as inadmissible for the nation whose interests are intrusted to it.

If the Colombian Union had resolved to unite its endeavors to those of the American republics which have been attacked by Spain, the common cause would require not only the concurrence of justice in the matter, but also of loyalty in the form.

The government of Colombia should act and would act with the loyalty and frankness which she owes to all the nations of the world, and would consider the sympathies to be so large, the motives so noble, and the moral and philosophical interests so valuable that are embraced by this cause, that there could be no possible motive for not exhibiting it in all its glory, and presenting it to the enthusiasm and veneration of an entire people, zealous as is the Colombian nation of its rights and liberties.

Taking into consideration the sentiments excited by every American by the struggle which has been made in the waters of the Pacific, sentiments of adhesion and hope for the allied republics, the present Colombian administration has noticed with pain the secret convention, the execution of which by Colombia is impossible, and it is for this motive, and the others already expressed that, on taking into consideration the above-mentioned act which compromises the national security and honor, it abstains at present from anything more than disavowing it.

The undersigned takes advantage of this opportunity to reiterate to his excellency the assurances of his most distinguished consideration.

CARLOS MARTIN.

His Excellency Colonel D. MANUEL FREYRE,
*Envoy Extraordinary and Minister Plenipotentiary
of the Republic of Peru.*

H.

Mr. Sullivan to Doctor Martin.

LEGATION OF THE UNITED STATES OF AMERICA,
Bogota, August 9, 1867.

The undersigned, minister resident of the United States of America, has had the honor to receive the note of his excellency Señor Doctor Carlos Martin, secretary of the interior and foreign relations of the United States of Colombia, dated yesterday, inclosing—

1. The letter A, being minutes of the conference which the undersigned had the honor of holding with his excellency Señor Doctor Carlos Martin, on the 1st instant.

2. The letter B, containing copies in Spanish and English of the secret treaty made by General Mosquera and the Peruvian minister, on the 28th day of August, 1866.

3. The letter C, containing the resolutions adopted by the Colombian congress, April 29, 1867, relative to the war steamer Rayo.

4. The letter D, being a copy of the said minutes in Spanish.

5. The letter E, being a copy of the note of his excellency Señor Doctor Carlos Martin to the Peruvian minister, objecting to the said treaty.

6. A memorandum, F, of the constitutional law, defining the separate powers and duties of the executive and congress of Colombia.

The undersigned has duly approved and herewith returns the said minutes to his excellency Señor Doctor Carlos Martin.

The undersigned begs to assure his excellency Señor Doctor Carlos Martin that he will hasten to submit said note and inclosures to his government, and to assure him that the great hope and confidence which the Colombian government reposes for the just and impartial judgment of its conduct in the government of the United States of America will not be misplaced.

The undersigned gladly embraces this opportunity to reassure his excellency Señor Doctor Carlos Martin of his most distinguished consideration and esteem.

PETER J. SULLIVAN.

His Excellency Señor Doctor CARLOS MARTIN,

Secretary of the Interior and Foreign Relations, U. S. C.

J.

LEGATION OF THE UNITED STATES OF AMERICA,

Bogota, August 9, 1867.

SIR: The Colombian government having refused to receive or acknowledge the steamer R. R. Cuyler, alias the war steamer Rayo, and is desirous to return her to the port of New York, there to be delivered up to the proper owner, as the United States may direct, but having no means at its disposal, the government of Colombia ask as a favor that the United States authorities will take her to New York for the purpose indicated. And lest that I should involve my government in so serious a matter before knowing its views on the subject, I assured the Colombian government that I would lay the case before the State Department and await its decision.

Until further instructions, you will repair forthwith to and keep strict secret surveillance over the said steamer Rayo, her armament and other property, so as to prevent her from being used for piratical or other unlawful purposes detrimental to the rights and dignity of our government; but, unless in case of necessity, you will not assume any right to this steamer, except such as will enable you to control her movements.

The President of the State of Magdalena, in whose possession this steamer now is, will be fully and duly instructed by the Colombian government on the subject; and without making known your authority till you ascertain his views, you may, profitably, have an interview with President Riasco as to his action in this matter.

You will report to me from time to time your actions and the course of events in this case.

I am, sir, very respectfully, your obedient servant,

PETER J. SULLIVAN,

Minister resident of the U. S. of America to the U. S. of Colombia.

The COMMANDER of any war ship or steamer of the United States of America at Colon, Cartagena, or Santa Martha.

Mr. Seward to Mr. Sullivan.

No. 11.]

DEPARTMENT OF STATE,

Washington, August 17, 1867.

SIR: In my dispatch No. 7, of July 6, you were cautioned not to commit yourself by formally recognizing any constitutional change of government until you should have referred the subject to this department for the consideration of the President of the United States.

It has been the practice of this government to refrain from recognizing the various revolutionary changes which have occurred in the neighboring States of this continent until it had received satisfactory evidence of the acquiescence of the people concerned therein. Inasmuch as there now appears to be a general consent of the Colombian people to the change lately effected by the recent movement at Bogota, by which General Mosquera, the President, was deprived of his power and Mr. Santos Acosta substituted in his place, the President does not feel authorized to withhold his recognition of the present *de facto* executive

head of the government of Colombia. You are, therefore, instructed to present your credentials at the earliest convenient opportunity.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

PETER J. SULLIVAN, Esq., &c., &c., &c.

Mr. Sullivan to Mr. Seward.

No. 20.]

LEGATION OF THE UNITED STATES,

Bogota, August 27, 1867.

SIR: I have the honor to inclose copies (A and B) of correspondence just had between myself and Rear-Admiral James S. Palmer, United States navy, commanding the North Atlantic squadron, on the subject of affairs in this country, &c., &c.

I have the honor to be, sir, very respectfully, your obedient servant,
PETER J. SULLIVAN.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

A.

Rear-Admiral Palmer to Mr. Sullivan.

FLAG-SHIP SUSQUEHANNA,

Aspinwall, August 8, 1867.

SIR: I wish to apprise you of my arrival in the flag-ship Susquehanna on the coast of Colombia, but fear, as you are so far in the interior, that I shall not be fortunate enough to obtain an interview; but from all that I can learn, and can observe, this republic appears to be again quiet, and our railroad people have nothing to apprehend. I shall be glad, however, to learn from you the state of affairs, and shall be at Carthegena by about the 20th or 22d of this month. Hoping you will receive this communication in time to send a reply to Carthegena before I leave that for Santa Martha and La Guayra, I remain, very respectfully, your obedient servant,

JAS. S. PALMER,

Rear-Admiral, Commanding North Atlantic Squadron.

Hon. PETER J. SULLIVAN,

United States Minister, Bogota, United States of Colombia.

B.

Mr. Sullivan to Rear-Admiral Palmer.

LEGATION OF THE UNITED STATES,

Bogota, August 27, 1867.

SIR: I have the honor to acknowledge the receipt of your very polite and intelligent letter of the 8th instant, informing me of your arrival in the flag-ship Susquehanna on the coast of Colombia, and desiring to learn from me the state of affairs here by the 22d instant, which reached me but last night.

Peace prevails here at present; Congress is in session; General Mosquera is still in prison impatiently awaiting his trial for treason and malappropriation of some \$45,000 of government funds, while minister to England.

On the 9th instant I addressed a communication to "Any of our naval commanders in the waters of Colombia," of which the following is an abstract:

"SIR: The Colombian government having refused to receive or acknowledge the steamer R. R. Cuyler, alias the war steamer Rayo, and is desirous to return her to the

port of New York, there to be delivered up to the proper owner, as the United States may direct, but having no means at its disposal, the government of Colombia asks, as a favor, that the United States authorities will take her to New York for the purpose indicated; and lest that I should involve my government in so serious a matter before knowing its views on the subject, I assured the Colombian government that I would lay the case before the State Department and await its decision.

"Until further instructions you will repair forthwith to, and keep strict secret surveillance over, the said steamer Rayo, her armament and other property, so far as to prevent her from being used for piratical or other unlawful purposes, detrimental to the rights and dignity of our government.

* * * * *

"You will report to me from time to time your action and the course of events in this case."

From the general report which I have had of your sound discretion and great ability as a naval commander, I trust that said communication has reached you ere this time.

An admiral of the Peruvian navy has just arrived in this city, for the purpose, as I have been informed, of inducing this government to permit him to take this steamer to his country, she having been bought privately by Peru to be used against Spain.

I have obtained and forwarded to Washington a copy of the secret treaty entered into by General Mosquera and the Peruvian government, on the subject of the war between Spain, Peru, and Chili. The purchase of this war steamer, and knowing that fraud has been perpetrated upon our government in the fitting out, manning in, and bringing this steamer from the United States, caused me to issue the said order.

Those southern republics, now at war with Spain, are endeavoring to force Venezuela into their scheme of one grand southern confederacy, which, if successful in its scheme of annexing Cuba—perhaps Mexico—would undoubtedly tend to check the most vital interests and prosperity of our country. But having now discovered their unfriendly feeling towards us, we are, at last, in a favorable position to take care of ourselves, yet we must not forget that these republics are struggling to uphold republican governments against the organized efforts of their powerful foes.

It is our "manifest destiny" to give vitality to, as also to preserve the existence of these republics; but they must be given to understand that, while we are able and willing to protect them from the grasping power of monarchists, they must not snub us with impunity, as in the case of this secret treaty, and its ultimate objects.

We are now all right with this government.

I have the honor to be, sir, very respectfully, your obedient servant,

PETER J. SULLIVAN.

JAS. S. PALMER,

Rear-Admiral United States Navy,

Commanding North American Squadron, &c., &c., &c.

Mr. Sullivan to Mr. Seward.

No. 25.]

LEGATION OF THE UNITED STATES,

Bogota, September 16, 1867.

SIR: Inclosed are copies of correspondence had between the United States consul at Carthagena and myself, on the rumor that an American citizen was shot by General Herrera at Rio Hatché.

I have the honor to be, sir, your obedient servant,

PETER J. SULLIVAN.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Hanaberg to Mr. Sullivan.

No. 18.]

CONSULATE OF THE UNITED STATES OF AMERICA,

Carthagena, August 29, 1867.

SIR: My last official dispatch was under date of 14th instant, and was forwarded in charge of Colonel Robinson.

On the 21st instant the United States steamer *Susquehanna*, flag-ship of Rear-Admiral Palmer, and the United States steamer *Monongahela*, Commodore Bissell, came into

this harbor and were saluted by the Spanish frigate Gerona. The Susquehanna afterwards saluted the town, and returned the salute of the Spanish frigate. The salute to the town was not answered, and on the following morning I went with the fleet captain to present the admiral's respects to his excellency the President of the State, and inquire why the salute had not been answered. His excellency replied that there were not in the place the proper means for firing salutes, and that, had the admiral notified him of his intentions to salute the town before doing so, as is customary, he would either have declined receiving the salute, or else have made an effort to have such salute properly returned.

These vessels left here on the 22d for Santa Martha, where the admiral intended to inform himself as to the circumstances of the imprisonment of some of the crew of the Colombian steamer Colombia, who were formerly attached to the steamer Rayo. I made the admiral acquainted with the state of affairs at Baranquilla and Rio Hatché, but he said he did not think of going to those ports.

There is a rumor here that the first officer of the Colombia, Lieutenant G. A. Borchart, who held the same position in the Rayo, and some others of the same vessel, had been captured and shot by General Herrera, at Rio Hatché. It is said that Herrera has since evacuated that place.

I have the honor to be, sir, your obedient servant,

AUG. S. HANABERG.

General PETER J. SULLIVAN,
United States Minister Resident at Bogota.

Mr. Sullivan to Mr. Hanaberg.

LEGATION OF THE UNITED STATES,
Bogota, September 16, 1867.

SIR: Your two attentive favors of the 29th ultimo, informing me, among other things, of the arrival of Rear-Admiral Palmer and Commodore Bissel, United States navy, with their war steamers, in the harbor of Carthagena, and of the stiff manner of their reception by the President of the State of Bolivar, came to hand by yesterday's mail.

You will please thank, in my name, the commanding officer of the Spanish frigate Gerona, for the respect which he had paid those officers in saluting the American flag, as stated in your letter No. 8.

You say that information has reached you "that the first officer of the Colombia, Lieutenant G. A. Borchart, who had held the same position in the steamer Rayo, had been captured and shot by General Herrera, at Rio Hatché."

Should this information turn out to be true, and that he was an American citizen, entitled to the protection of our government, it becomes a very serious international question.

That you may know my views on the subject of the officers and crew of the Rayo having been fraudulently decoyed from the United States, and then made the sport of, and derided by, designing demagogues, I send the following extract from a postscript which I had prepared, but not sent, to my letter No. 13, of June 29th last, addressed to Captain Foster, of the Osceola, on hearing that these men were captured and about to be punished by General Lopez's forces:

[Extract.]

"Just as I was about to mail this dispatch a report reached me that American citizens, while endeavoring to escape from the bondage to which they have lately been held on board of the war steamer Rayo, were retaken by General Lopez's forces, and are being held for trial before a court-martial; I therefore request that you will, as soon as possible, demand of the commanders of the Rayo and Colombia, of General Lopez, and of the President of the State of Bolivar, the names and cause of detention of all citizens of the United States of America held by them, or either of them, by virtue of any pretended contract of servitude, or otherwise; and, that if, upon a full examination of the whole facts in the case, you should find any citizen of the United States of America unjustly held by any of these officers, you will demand and obtain his release in such a manner as will insure success.

"The duplicity and fraud said to have been practiced upon these unfortunate Americans, for the purpose of alluring them from their homes, under guise of splendid and honorable employment, calls for strict investigation into their sad case; but, at all events, you will see that no injury shall result to them, or any of them, until a full report of their case is submitted to our government and its opinion is known on the subject."

The report that these men were not captured as stated, having only reached me, caused me to withhold the above at that time.

Should I find, upon inquiry, that this American citizen (†) has been shot at Rio Hatché, I will cause an immediate investigation into the facts of the case.

I am, sir, with great respect, your obedient servant,

PETER J. SULLIVAN.

AUGUSTUS S. HANABERG, Esq.,

United States Consul at Carthagena, U. S. C.

Mr. Seward to Mr. Sullivan.

No. 14.]

DEPARTMENT OF STATE,

Washington, September 23, 1867.

SIR: You will have learned from the consul at Carthagena, long before this communication shall have arrived, that George A. Borchert, J. W. Murdaugh, T. S. Dronin, and Philip Smith were violently assaulted by a mob at Carthagena on the 1st day of September instant; that the two former were murdered, and that the two latter escaped only after great peril.

It is understood that those persons were on that occasion casual visitors at Carthagena, having arrived there on the same day in a British mail steamer from Santa Martha. The four persons named are understood to have been natives of the United States, and to have served in the land and naval forces of the rebels. It is not understood that they ever made any special act of submission to the government of the United States. It is said that they enlisted themselves during the last season in the Colombian naval service at New York, and that they proceeded under the Colombian flag as officers on board a Colombian war steamer, the R. R. Cuyler, which has since taken the name of El Rayo.

Assuming that those persons had practically and even treasonably cast off their allegiance to the United States and entered the naval service of the government of the country in which the murderous outrage was committed, the consul at Carthagena was of the opinion that the wrongs committed upon them could not be properly made a subject for a claim of redress by this government.

With our present knowledge of the case we are not prepared to disallow and overrule that opinion. The facts assumed by the consul, however, are not yet in any authentic manner made known to this government, and there is room to suppose that he may have misapprehended them.

Reserving for ultimate consideration the question of our absolute right to intervene, I have to observe that the outrage cannot, in any state of the case, fail to deeply wound the sense of dignity and the natural sympathies of the people of the United States, and impair a desirable confidence in the administration of the laws of Colombia.

You are expected, therefore, to address yourself to the President of Colombia, and to urge, upon principles of international comity as well as of humanity, that the case may be promptly and thoroughly investigated, that the guilty parties may be brought to condign punishment and that indemnities, as far as is possible, may be awarded to the families of the two individuals who were so barbarously slain.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

PETER J. SULLIVAN, Esq., &c., &c., &c.

Mr. Sullivan to Mr. Seward.

[Extract.]

No 29.]

LEGATION OF THE UNITED STATES,
Bogota, September 26, 1867.

SIR: Since my arrival here the Colombian government annulled General Mosquera's decree of November 17, 1866, upon the adjudication of maritime prizes.

It has granted a new lease, for ninety-nine years, of the right of transit to the Panama Railroad Company, in consideration of one million dollars in hand, and two hundred and fifty thousand dollars per annum during the term of the lease.

It has granted a contract to the International Ocean Telegraph Company of New York (see inclosed A, B, C) to land upon and run through any portion of the territory of the United States of Colombia a telegraph line, to connect with one from New York via Florida, Cuba, and Panama, thus connecting South America, the United States and Europe with one continuous line of communication, having New York for its center.

It has, also, just signed a contract with a New York company for the exclusive right of fishery to this company in all the seacoast waters of Colombia. This contract has yet to be approved by the senate, which I think will be done.

All of these vast privileges have been given to citizens of our country.

* * * * *

A rumor prevails here that several American citizens were lately murdered, in cold blood, by Colombian officials at Carthagena, and that while committing this atrocious crime the assassins boasted that "the Colombians were a match for the disunited Americans."

I have sent unofficial communications to our consuls at Carthagena and Baranquilla on this subject. At first I heard that these rumored murders were committed by General Herrera at Rio Hatché. I shall await the facts before I take any official action in this matter.

* * * * *

I have the honor to be, sir, your obedient servant,

PETER J. SULLIVAN.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Rebello to Mr. Sullivan.

LEGATION OF THE UNITED STATES,
Bogota, August 10, 1867.

SIR: Herewith I beg to hand you an original of a contract entered into by me, as attorney of the International Ocean Telegraph Company of New York, with the secretary of finance of the Colombian government, signed by us, and approved by the president, H. E. Santos Acosta, this day.

I beg you to place same on the records of your legation.

I am, sir, very respectfully, your most obedient servant,

CHARLES REBELLO.

General PETER J. SULLIVAN,

Minister Resident of the United States of America.

Telegraphic Contract.

[Translation.]

Contract made between the secretary of the treasury of the United States of Colombia and Charles Rebello, authorized agent of the International Oceanic Telegraph Company of New York, conceding to this company permission to establish on the coasts of the republic the extreme ends of telegraphic submarine cables and unite these with overland telegraphic lines:

The undersigned, to wit: Jorge Gutierrez de Lara, secretary of the treasury and finance of the United States of Colombia, duly authorized by the executive government on the one part, and on the other, Charles Rebello, authorized by the International Oceanic Telegraph Company of New York, (International Ocean Telegraph Company,) in accordance with the powers he has exhibited have concluded the contract following:

ARTICLE 1. The secretary of the treasury and finance, in the name of the executive authority of the United States of Colombia, and in virtue of the authority conferred on him by the legislative decree of the 25th of July last, grants permission to the International Ocean Telegraph Company of New York, to establish on the shores of the republic the ends of submarine telegraphic cables which may place the nation in contact with other points on the earth, also to connect said submarine cables with telegraphic lines by land.

ART. 2. The International Ocean Telegraph Company of New York rests under obligations to transmit gratuitously through every telegraphic line, whether submarine or terrene, which it may hold in virtue of the concession of the permission to which the preceding article refers, all the official communications of the national authorities and of the States.

ART. 3. The secretary of the treasury and finance, in the name of the executive authority and in virtue of the provisions in article 2 of the said legislative decree, declares the undertaking to which the preceding articles refer to be of public utility, and therefore the International Oceanic Telegraph Company of New York shall enjoy the prerogatives annexed to this declaration.

ART. 4. In cases of foreign war or intestine disturbance in the republic of Colombia, the telegraphic lines which may be held in virtue of this permission in Colombian territory, shall not be in operation except under the supervision of the political authorities of this nation.

ART. 5. Considering that Charles Rebello is lacking in faculties to compel the company to the payment of the five per cent. of dividends, which are to be distributed to the shareholders for the profits which may be had on the lines referred to in article 2 of this contract, it is stipulated that the International Oceanic Telegraph Company of New York shall give notice to the government of Colombia, either directly or through the Colombian legation at Washington, within six months, reckoned from the date of the approval of this contract by the executive authority, whether it binds itself to pay the said five per cent. that it may become exempted from every kind of imposts and contributions, whether national or of the States. In case this obligation is assumed and the notice received to which this article refers, the government of Colombia binds itself to exempt the International Oceanic Telegraph Company of New York, from the payment of any impost or contribution, national or State, and by these presents declares that it shall not in any case be obliged to satisfy those which may be imposed on them. In case of non-exemption on the part of the company it will have no right to the preceding exemption.

ART. 6. Doubts which may arise about the meaning of the clauses of this permission and cannot be dispersed by agreement between the government of Colombia shall be submitted to the decision of the courts of the republic.

ART. 7. This contract shall be submitted to the approval of the President of the union, without which it cannot be carried into effect. In faith whereof we have signed three of the same tenor at Bogota, on the tenth of August, one thousand eight hundred and sixty-seven.

JORGE GUTIERRES DE LARA.
CHARLES REBELLO.

BOGOTA, August 10, 1867.

Approved:

SANTOS ACOSTA. [SEAL.]
JORGE GUTIERRES DE LARA,
Secretary of the Treasury and Finance.

C.

*Mr. Sullivan to Mr. Rebello.*LEGATION OF THE UNITED STATES,
Bogota, August 13, 1867.

SIR: It affords me great pleasure to acknowledge the receipt of your communication of the 10th instant, accompanying the contract entered into by you as said attorney with the Colombian government, giving permission to your company to establish a telegraph line to the coast, and through the territory, under the jurisdiction of the United States of Colombia.

I shall place this valuable document on the records of this legation, and transmit a copy of it herewith to you, and also one to the Department of State, United States.

The lively zeal which you have thus manifested in the service and cause of your company—the development of commerce and of civilization; and above all, the fraternal feelings which this great enterprise is well calculated to bring about among the great nations whose commerce it will greatly increase, must, indeed, place you prominently among the benefactors of mankind.

I am, sir, with great respect, your most obedient servant,

PETER J. SULLIVAN.

CHARLES REBELLO, Esq.,

Attorney of the International Ocean Telegraph Company of New York.

Mr. Seward to Mr. Sullivan.

No. 17.]

DEPARTMENT OF STATE,
Washington, September 27, 1867.

SIR: I have to acknowledge the receipt of your dispatch of the 12th of August, No. 14, with its accompaniment, which consists of the protocol of an interesting conference which on the 1st of that month you held with Señor Carlos Martin, and various documents designed to illustrate the subjects discussed on that occasion. From those papers I learn that the government of Colombia has ascertained that a secret convention was made in Bogota on the 28th day of August, 1866, between plenipotentiaries of that republic and Peru, which was approved and declared to be ratified by Thomas C. de Mosquera, the President of the United States of Colombia, on the 20th day of November, 1866; that in the said convention the republic of Colombia bound itself to purchase certain vessels of war which the republic of Peru had contracted or was contracting for in the United States, to be used against Spain in the war in which Peru, with certain allies, was then and still is engaged; that the United States of Colombia, before making the convention, had not become an ally nor engaged in war with Spain, but the republic committed itself secretly as an ally by the convention; that when the convention was made the government of Peru had found itself embarrassed by the neutrality laws of the United States, and so unable to obtain clearance and discharge by the United States revenue officers of the ships of war which Peru had contracted for with citizens of the United States; that the convention stipulated that the vessels should become the property of the republic of Colombia, which state should nevertheless ostensibly remain a neutral, after the convention, in the war before mentioned; and that when the vessels should have arrived within the jurisdiction of Colombia, then they should be sold and delivered by the United States of Colombia to the republic of Peru at prices and upon terms which clearly indicate that the sale within the United States by Peru to Colombia was intended to be colorable only, and in

fraud of the neutrality laws of the United States; that in pursuance of the convention Mr. Salgar, minister plenipotentiary of Colombia, announced to the government of the United States that the R. R. Cuyler, which had been already denounced at New York and was refused a clearance and detained upon the ground that she was being fitted out in violation of the neutrality laws of the United States to make war in behalf of Peru and her allies against Spain, had been purchased by the United States of Colombia for their own use, and was in fact the property, not of the republic of Peru or of either of those allies, but of the United States of Colombia, which were at peace with Spain. That this representation of Mr. Salgar was accepted, and the proceedings against the R. R. Cuyler were discontinued; that bonds were given by the parties who, as Mr. Salgar represented, had contracted for the vessel to the Colombian Republic, to secure the United States for her delivery within the waters of the Colombian government without violating the neutrality laws aforesaid, on her voyage and that upon receiving those assurances and guarantees the R. R. Cuyler was cleared and proceeded to her destination at Santa Martha, in the United States of Colombia.

It further appears, from the representations made by Mr. Martin to you, that when the convention referred to, and the proceedings of Mr. Salgar in the United States, afterwards became known to the congress of the United States of Colombia, that honorable body altogether disallowed those proceedings; and that the government of Colombia now disavows and repudiates them as being altogether illegal, unconstitutional, fraudulent, and void. President Mosquera, who assumed to conduct those proceedings, has been displaced, and has resigned. The administration of that country has been reorganized under the presidency of Señor Acosta, who concurs in and entirely adopts the before-mentioned views and policy of the congress of Colombia. It further appears that the republic of Colombia now finds itself embarrassed with the presence of the R. R. Cuyler in the waters of that republic, which presence is supposed to involve the dangers of, first, complications with Peru for a violation of the convention between Colombia and Peru; second, of complications with Spain by the compromise of the neutrality in Colombia; and, thirdly, of apprehended loss of confidence on the part of the United States in the good faith of the Colombian government. That the government of Colombia also apprehends that the R. R. Cuyler, if suffered to leave the ports of that republic, without such a naval guard as the President of Colombia is unable to furnish, might become a scene of mutiny, and that her officers and crew might even take up a course of piracy on the high seas. That under these circumstances the government of Colombia would regard it as the most prudent and desirable course that the R. R. Cuyler, under the naval protection of the United States, should be returned to the port of New York, to the end that this government might deliver her there to the government of Peru, for whom, in reality, and not for the United States of Colombia, it is now to be understood the vessel was prepared as a ship of war.

You have very properly referred the case to this department for instructions; and in the mean time you have requested the commander of any war vessel or steamer of the United States at Colon, Carthagena, or Santa Martha to keep watch in the interest of the Colombian government over the R. R. Cuyler, and to prevent her from going to sea until this government shall have pronounced its opinion upon the case submitted.

Having taken the President's directions, I have now to inform you,

first, that your proceedings in the conference before mentioned with Mr. Martin are approved.

Second. That the President is very favorably impressed with the frankness, loyalty, and prudence which the reorganized government of the United States of Colombia has manifested in relation to the subjects discussed, and that he also deeply regrets the embarrassment of the Colombian authorities which the minister for foreign relations has so fully described. You will assure the minister that this government sincerely sympathizes with the republic of Colombia in the desire to relieve itself from that embarrassment.

Third. That in permitting the departure of the R. R. Cuyler, this government acted entirely without suspicion, and with an unhesitating reliance upon the representations which it had received from Mr. Salgar, the accredited minister of the republic of Colombia. You will add that this government entertained not the least suspicion that the confidence thus reposed by it in the President and minister plenipotentiary of Colombia could be abused, as it now clearly appears to have been abused.

The President regrets to learn that Mr. Salgar, as well as President Mosquera, who was then the undisputed and recognized executive head of the government of Colombia, acted fraudulently on the occasion referred to, both against the United States and against Colombia.

Fourth. So far as the United States are concerned, the R. R. Cuyler is and must be considered a foreign vessel belonging now to the United States of Colombia, or at least that she in nowise belongs to or can be recognised as belonging to the commercial marine of the United States. There is no law in the United States by which any restriction or control could now be extended to or exercised over the R. R. Cuyler by the United States, either in the waters of Colombia or on the high seas, or in the ports of the United States while she is neither doing nor threatening any wrong to the United States. There is no law by which she can be received within the United States in any other character than as a ship of war of that friendly republic, nor is there any law which would authorize her transfer or delivery here by the government of Colombia, by the government of the United States, or any other party, to a foreign power which is at war with another foreign state with which the United States are at peace. Last of all, could the United States assume to receive her from the government of Colombia as a neutral, and transfer, or cause or permit her to be transferred, within the waters of the United States to any belligerent.

Fifth. The executive government of the United States has no authority to exercise vigilance over the R. R. Cuyler in Colombian waters while she neither commits nor threatens to do any act of hostility or injury to the United States. You will, therefore, after having given proper notice to the President of Colombia, be expected to recall your request or instructions in that respect before given to the United States naval commander on the coast.

I cannot close this dispatch without assuring you of my appreciation of the diligent attention you have manifested in regard to the subjects discussed.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

PETER J. SULLIVAN, Esq., &c., &c., &c.

Mr. Sullivan to Mr. Seward.

[Extract.]

No. 33.]

LEGATION OF THE UNITED STATES,
Bogota, October 12, 1867.

SIR: In conformity with your Nos. 3, 5, and 8, of June the 5th, of July 6th and 16th last, (which reached me but a few days since,) I addressed a note to the Colombian government asking explanations touching the irregularity of the shipment of American citizens in the steamer R. R. Cuyler, *alias* Rayo, at New York, and their subsequent bad treatment by the Colombian authorities.

* * * * *

I have the honor to inclose herewith, for your consideration and instructions, copies of correspondence had between myself and the Colombian government, and some of our consuls on the coast, on this new painful subject, viz:

A is my letter to the Colombian government; B, the answer; C, my reply; D, E, letters from the United States consul at Carthagena; F, my answer and instructions; H, my letter to the United States consul at Panama, with instructions; I, my letter to United States commercial agent at Baranquilla; J, the *Diario Oficial* exposing General Salgar.

I have the honor to be, sir, your obedient servant,

PETER J. SULLIVAN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

A.

*Mr. Sullivan to Señor Martin.*LEGATION OF THE UNITED STATES,
Bogota, October 5, 1867.

SIR: I have the honor to inform your excellency that I have been instructed by my government to demand of the government of Colombia explanations touching the irregularity of the shipment of American citizens in the steamer R. R. Cuyler at the port of New York by the Colombian executive government, and its subsequent refusal to pay them their wages.

To the inquiry I have now to add that of the barbarous and cruel murder of some of these very men by the Colombian national army at Carthagena, aided by the cunning connivance of its commander, and that of his brother, the President of the State of Bolivar.

The United States consul at that place, in a note of the 14th ultimo, informs me of the recent disgraceful attack upon four of these men by a mob composed principally of the national officers and soldiers garrisoning the city of Carthagena, and of the brutal murder of George A. Borchart and J. W. Murdaugh, and the serious wounding of S. L. Dornin, all natives of the United States of America. That the assassins, while butchering their victims, derisively denounced them as Americans, and when they had completed the murder, robbed and denuded the dead bodies of everything of value found upon them.

That at the time these assaults and murders were being concocted and committed, the President of the State of Bolivar, who had been previously warned of the fact, was quietly seated in the "cuartel" when the national officers and soldiers went out therefrom to commit these foul and bloody deeds. And his brother, the commander of these troops, although duly informed by the murderers of their intention to commit these crimes, having taken no measures to prevent them, shows conclusively that the state and national authorities at Carthagena had with premeditated and deliberate malice cunningly connived at, and were parties to, the welcoming of these foredoomed Americans, "with bloody hands to inhospitable graves."

If these men were guilty of any crime, why were they not duly arrested and tried according to Colombian laws and the laws of civilized nations?

A brief statement of their sad case will suffice to show that the Colombian government is unquestionably responsible to that of the United States of America for the fitting out, under false pretenses, the said steamer in the port of the latter, and for decoying those men from their native land and afterwards murdering them without cause, without trial, while in an utterly helpless condition on Colombian soil. On the 28th of August, 1866, the executive government of Colombia "*in the name of God!*" entered into a secret treaty with Peru, having for one of its objects the fitting out and manning in ports of the United States of America (without the knowledge or consent of the government of that country) vessels of war, to be ultimately used by Peru in her war with Spain.

Subsequently General Salgar, the Colombian minister at Washington, secretly acting upon and carrying out the unlawful purposes of this treaty, assured in the most positive manner the government of the United States of America that his government had entered into a contract with citizens of said United States for the purchase, arming, and equipping of said steamer, to be delivered at a Colombian port, and gave bond that this armed vessel was for the sole use and benefit of his own government, he then well knowing that said armed vessel was bought for the government of Peru to be used against Spain.

On the plighted faith of the Colombian government, pledged by its said minister, this vessel, with American officers and crew, was permitted to sail from the port of New York upon her voyage, in the expectation that she would become a public armed vessel of the United States of Colombia, and subsequently delivered up to, and was received by the Colombian executive government and its proper agents, on the Colombian coast.

Neither the subtlety of the logician nor the blandishments of the rhetorician can justly palliate or deny the accountability of the Colombian government to that of the country which I have the honor to represent, for the unlawful fitting out and bringing from the port of New York this armed vessel; for the duplicity and fraud practiced by the officials of Colombia upon these unfortunate Americans, for the purpose of alluring them from their native homes, under the plausible guise of splendid, honorable employment, and subsequently to abandon them without just cause, and leave them in a destitute and utterly helpless condition, as outcasts upon the shores of Colombia, and while in this situation to murder them in cold blood.

What redress can or will the Colombian government offer to that of the United States of America for these grievances, remains to be seen.

I now demand of the Colombian government, that the said commander of the troops at Carthagena be forthwith stricken from the army rolls in disgrace; that all parties, principal and accessories, to the said assault and murders, shall be forthwith arrested, tried, and punished according to law, and such other satisfaction as justice and the nature of this case may require.

I request an answer to this note within five days from its date, as by that time I shall prepare dispatches for my government and its consuls on the Colombian coast on this subject.

But ere I close this note I must state I believe in my heart the present government of Colombia is sincerely disposed to maintain good order and tranquillity at home, and to preserve its integrity and honor with all foreign powers; and that it loves the government, people, and institutions of the United States of America; and hence, I believe, will not sanction the inhuman conduct of the said commander of these butchers, or of his brother, the President of the State of Bolivar, nor of these atrocious murders.

I have the honor to reiterate to your excellency my unflinching faith in your high sense of honor and love of justice, and to remain your excellency's obedient servant,

PETER J. SULLIVAN.

His Excellency Doctor CARLOS MARTIN,
Secretary of the Interior and Foreign Relations U. S. C.

B.

Mr. Martin to Mr. Sullivan.

[Translation.]

OFFICE OF THE HOME DEPARTMENT AND FOREIGN RELATIONS,
Bogota, October 10, 1867.

SIR: I have had the honor to receive the note dated 5th instant, which your excellency has been pleased to remit to this office, in which you state that you have received instructions from your government to demand an explanation from that of Colombia

respecting the irregular conduct of the Colombian administration in shipping American citizens on board the steamer *R. R. Cuyler*, and afterwards refusing to pay them their salaries. And your excellency adds that you have to make another demand for explanations respecting the barbarous and cruel assassination of some of the above-mentioned citizens by the Colombian national army stationed in Carthagena, aided by the crafty support of their commander, and of the brother of the latter, President of the State of Bolivar, transmitting also certain details bearing reference to the occurrence, which the consul of the United States resident in Carthagena has remitted to the American legation.

The above-mentioned communication having been laid before the citizen President, I have received instructions to forward to your excellency the following reply:

The federal government of Colombia laments the events which your excellency has been pleased to communicate, and most profoundly deploras that the national forces organized and stationed in Carthagena, failing to fulfill their duties as protectors of rights and security, as appears by your excellency's statement, should unfortunately have allowed themselves to be induced to act with the barbarous cruelty which you relate.

The federal government, in obedience to the sentiments of justice which animate it, and yielding to its natural indignation at such proceedings, as well as to the friendship which it entertains for the American people and their government, has dictated all the measures necessary to carry into effect an inquiry into the facts to which your excellency refers, and to discover the persons who have taken part in such conduct, and bring to effectual and rigorous trial all such as may be responsible for the same, be they who they may, in accordance with the constitution and the law.

In the same manner the said government has issued peremptory orders for disbanding the battalion which was in Carthagena under the command of Señor Gonzales Carazo, to which the officers referred to by your excellency's note belonged; the said force will therefore no longer be in the service of the republic.

The federal government will proceed, as respects the demand made by your excellency, for the dismissal from the service of the commander of the forces stationed in Carthagena, in the same manner as in the other reparations for which application is made in the note above referred to, with all the energy and decision which justice demands, and as are compatible with the constitution and laws.

No consideration shall avail to detain the federal government in the path which it has chosen for the purpose of giving the American government due and legal reparation for such acts.

The attorney general, our highest functionary, who can judicially speak for the nation, has received instructions and been peremptorily ordered to carry into effect all such measures as may bring to judgment the parties guilty of the assassination of the unfortunate American citizens Borchart and Murdaugh.

The government of Bolivar has also been called upon to give a strict account of its conduct in this respect, as an agent of the federal government.

Your excellency complains, also, of the irregular proceedings of the former Colombian administration in celebrating the secret convention of 28th August, 1866, among the stipulations of which appears one for equipping and arming, in the ports of the United States of America, certain vessels which were to be delivered by Peruvian agents; and demands an explanation of certain acts which have been performed in consequence of the said convention, and which affect the American government, as having been executed in its dominions, such as the sailing of the steamer *Rayo* from New York.

In order to remove every motive of complaint in this respect, I beg leave to remind the Hon. Mr. Sullivan that the executive government of Colombia, through this office of state, guided by a sentiment of the highest esteem for the relations which unite it with that of the American Union, and with the object of maintaining the said relations upon the basis of a perfect understanding and cordiality, considered that the most perfect honor, frankness, and truth, would be the best means for securing in a permanent manner the said beneficial relations. In observance of such a line of conduct the honorable minister was invited to this office of state a very few days after his arrival in this capital, and the national government, with a spontaneity which proves its good faith, lost no time to acquaint him with the said secret convention, as well as with all the acts performed in execution thereof which had any reference to the American government.

The conference took place on the 1st of August, and from the minute which was drawn up thereof, it appears that the Hon. Mr. Sullivan duly appreciated the said conduct, and accepted the explanations respecting the secret convention, which, from a sense of the justice due to his government, were spontaneously offered him.

In the above-mentioned conference, I informed your excellency that General Salgar had been superseded in his mission near the American government on the 31st of last May, on which day the executive power of Colombia had found reason to believe that he had taken part in the execution of the said convention; that he would be held re-

sponsible to the supreme federal court of Colombia for his proceedings. Upon that occasion I also stated to your excellency that one of the causes of the responsibility which were then in course of being inquired into, as regards General Mosquera, chief of the former executive administration of Colombia, and at present suspended from the exercise of the presidential functions, and submitted to trial before the senate of the Union, is that of having celebrated and commenced to carry into effect the said secret convention, abandoning in this manner the line of conduct prescribed by the constitution. I informed your excellency, also, that on the 5th of July last, upon the present executive government receiving the first advice of the said act, its validity was repudiated in accordance with a resolution which has occasioned a controversy with the representative of the Peruvian republic in this capital.

The nation, the present government in its name, has done everything in its power. In order to vindicate its rights which were violated by unfaithful magistrates, the persons of the latter were seized for the purpose of placing them in the dock of the accused before the tribunal in such case provided, the senate of the plenipotentiaries. With a view to give satisfaction to friendly nations, to fulfill the international duties, and to carry into effect the institutions of Colombia, the said government has ignored the validity of the secret convention of 28th August, 1866, and especially with the American government, that of Colombia lost no time in proving its faithfulness by laying before the former a full account of the said convention, and of everything connected therewith, without having received any invitation in that respect, and guided solely by the greatest integrity and deference.

The expression contained in the above-mentioned note of the Hon. Mr. Sullivan, to which I have the honor to reply, by which he recognizes in my government a sincere desire to maintain public order in the interior, preserve its honor before all foreign powers, and continue its friendly relations with the government and people of the United States of America, is profoundly grateful to the federal government.

The act of justice which your excellency hopes to obtain, as a proof of these sentiments of consideration for your government, shall be an object of the special attention of the executive power of Colombia, who will endeavor to justify on this solemn occasion the faith which your excellency declares he has in its high sentiments of honor and love of justice.

In compliance with the desire manifested by your excellency to obtain an early reply, by reason of the approaching dispatch of the post, I have lost no time in attending thereto, and take advantage of the present opportunity to subscribe myself the Hon. General Sullivan's most attentive and faithful servant,

CARLOS MARTIN.

C.

Mr. Sullivan to Señor Martin.

LEGATION OF THE UNITED STATES OF AMERICA,
Bogota, October 11, 1867.

SIR: I have the honor to acknowledge the receipt of your excellency's note of the 10th, in reply to mine of the 5th instant, relative to the irregular shipment of American citizens in the steamer R. R. Cuyler, at New York, by the Colombian government, and the subsequent abuse of all, and murder of some, of these men at Carthagena.

I receive with infinite gratification the renewed token of the friendly spirit of the republic of the United States of Colombia towards the government and people of the United States of America; and in behalf of my government I reciprocate the sentiments of friendship expressed by you, in your said note, for my government.

So long as this friendly spirit exists, which I trust will be perpetual, the sister republics of America and Colombia will be happy in their mutual relations towards, and frank confidence in, each other; and the attempts of bad and designing men to disturb these relations will be speedily detected, exposed, and punished.

Neither shall the friendship of our respective countries be endangered, nor the republican institutions perish by the hands of assassins.

In the spirit of true friendship, I have the honor to remain your excellency's most obedient servant,

PETER J. SULLIVAN.

His Excellency Señor Dr. CARLOS MARTIN,
Secretary of the Interior and Foreign Relations United States of Colombia.

D.

*Mr. Hanaberg to Mr. Sullivan.*CONSULATE OF THE UNITED STATES OF AMERICA,
Carthagena, September 14, 1867.

SIR: I refer you to my last report of the second instant, giving you an account of the horrible murder of the two officers of the Rayo, Messrs. Borchart and Murdaugh, and the serious wounding of Mr. Dornin, a son of Commodore Dornin of the United States navy. This case has appeared to me so much worse, from the fact that the authorities have not taken any steps for the punishment of the guilty parties, that I have thought it best to call your attention officially to the matter. At the time those poor fellows were being killed, the President of the State was quietly sitting in the cuartel, from which the officers and soldiers were going out to commit the bloody deeds. The commander of the troops, who is the brother of the President, was informed by the murderers of their intentions; but he took no active measures to prevent the commission of the crime. In consequence of this it will appear to those brutal officers and soldiers that they can kill Americans (as they consider those officers) with impunity, and I think the case should be brought to the notice of the national government by some one.

On the 5th instant a Spanish steamer arrived here from Santa Martha. There were on board three of the crew of the Rayo, and I thought it necessary to go on board and request them not to come on shore, or they might have been murdered. We have heard nothing from Santa Martha since this affair. The Rayo drifted from her moorings during a squall a few nights since, and brought up alongside of a coral reef. Although she received no immediate damage, it is my opinion she will never leave there.

The day before yesterday we received a mail from the interior; but these were only late dates from Honda, (August 29,) the correspondence, &c., from Bogota being from the month of May.

We have no later news from the United States since my last. There are rumors of further troubles at Barranquilla; but there is no reliable news from there.

I remain, yours, very truly,

AUG. S. HANABERG.

General PETER J. SULLIVAN,
Minister Resident Bogota, United States of Colombia.

E.

Mr. Hanaberg to Mr. Sullivan.

No. 19.]

CONSULATE OF THE UNITED STATES OF AMERICA,
Carthagena, United States of Colombia, September 14, 1867.

SIR: In my unofficial letter under date of the 2d ultimo, I informed you of the disgraceful attack upon four of the late officers of the steamer Rayo by a mob composed principally of the officers and soldiers of the garrison of this city, and of the brutal murder of Messrs. George A. Borchart and J. W. Murdaugh, and the serious wounding of T. L. Dornin, natives of the United States, who were at the time employed as officers of the Colombian steamer Colombia. As I had repeatedly expressed my opinion to those officers as well as to the authorities of this State, that the former having taking service under this government and an active part in the civil war in the State of Magdalena, as they were at the time, still in the Colombian service, I did not consider it my duty to take any official steps in regard to the affair. Although I applied to the President of the State, after the murder of the two officers, requiring him to afford protection to the other two, that they might leave the city, and also applied for the bodies of the two murdered persons, and attended to their burial, I did so unofficially. Nevertheless it is provoking and alarming to find that neither the local authorities nor the agents of the national government have taken any steps in this matter. Not only was there no protection afforded to these officers of the national government, when it was known that their lives were threatened, but since their murder, when, after going through the form of a judicial investigation, it has been impossible to prevent its appearing who were the principal assassins, no one has been arrested, and those assassins continue in the command of the national forces garrisoning this city. They not only killed those poor men whom they speak of as Americans, but robbed their dead bodies of everything of value which was found upon them, even to their clothing.

Besides being the bearers of official documents from the government of the State of Magdalena, two of those officers brought private letters from General Santos Gutierrez,

the national President elect, recommending them to the protection of the President of the State of Bolivar; these letters were handed to his excellency the morning after the murder of one of the persons recommended, and were covered with the blood of the other.

In consideration of this criminal indifference on the part of the government of the State, I have thought it proper to state the case officially to you, and I have also sent a full account of the affair to the Department of State.

I have the honor to be, sir, your obedient servant,

AUG S. HANABERG,
United States Consul.

General PETER J. SULLIVAN,
U. S. Minister Resident, Bogota, United States of Colombia.

F.

Mr. Sullivan to Mr. Hanaberg.

LEGATION OF THE UNITED STATES,
Bogota, October 12, 1867.

SIR: Your letter of the 2d, and two of the 14th ultimo, detailing the late inhuman murder of American citizens at Carthagena, have been but recently received.

That you might see with what diligence and paternal care our government watches over the lives and property of its people both at home and abroad, I inclose herewith copies of correspondence had between myself and the Colombian government on this unlawful and cruel affair.

You will be careful in your deportment and expressions to and of the people of Carthagena on the subject to which this correspondence relates, and use your best endeavors to preserve the friendly relations that now happily exist between the government of Colombia and ours.

You will proceed at once to fully investigate the cause and mode of the assassination of George A. Borchart and I. W. Murdaugh, and the assault upon and wounding of T. L. Dornin, mentioned in your said letters, and duly report the result to our government.

These men having been fraudulently decoyed from their native land, have not lost their character or rights as American citizens. It may be a question whether that right did not become dormant while they were in the actual service of the Colombian government? Under the circumstances of the case, I think not; but of this hereafter.

To enable you to take testimony in this case without fear or intimidation, you will order to your aid the commander of any United States war ship or steamer at Colon, and retain him with his command at Carthagena until your task is well finished, or until you can safely do without him.

You will report to me from time to time the course of events in this matter.

I remain, sir, with great respect, your obedient servant,

PETER J. SULLIVAN.

AUGUSTUS S. HANABERG, Esq.,
U. S. Consul at Carthagena, United States of Colombia.

H.

Mr. Sullivan to Mr. Smith.

LEGATION OF THE UNITED STATES,
Bogota, October 12, 1867.

SIR: That you might see with what diligence and paternal care our government watches over the lives and property of its people, both at home and abroad, I inclose herewith copies of correspondence had between the Colombian government and myself, on the subject of the irregular shipment of American citizens in the steamer R. R. Cuyler, at New York, by the Colombian government, and the subsequent abuse of all, and murder of some, of these men at Carthagena.

What may yet grow out of this affair I cannot now clearly see. The Colombian government, no matter how well inclined, is almost powerless to redress these grievances, or to afford sufficient security against a repetition of them. But I shall take good care that the name of an American citizen shall be respected throughout Colombia, and that the lives and property of our fellow-citizens shall be protected in the future against unlawful violence and savage barbarism.

That there exists a premeditated scheme of heretofore baffled and designing men along the coast of Colombia, to murder and rob our people residing or sojourning among them, and provoke hostilities between our government and this, I firmly believe, and in order to examine into and frustrate it, if in existence, you will repair, without delay, to Mr. Robinson, our vice-consul at Colon, and consult with him on the subject, and report the result to me.

I have, as you are aware, great confidence in your sound discretion and ripe judgment. Mr. Robinson you will find to be a discreet, intelligent, and faithful officer, on whose judgment, in these matters, you can safely rely, and to whom you will promptly make known the whole contents of this and accompanying dispatches.

On reflection, I think that Mr. Robinson and yourself had better order any of our men-of-war at Colon to go immediately to the aid of our consul at Carthagena, who is ordered to take testimony in and report upon said assaults and murders in Carthagena. You will promptly report to me on the subject of this note.

I remain, dear general, very respectfully, your obedient servant,

PETER J. SULLIVAN.

General T. K. SMITH,
U. S. Consul at Panama, U. S. C.

I.

Mr. Sullivan to Mr. Pellet.

LEGATION OF THE UNITED STATES,
Bogota, October 12, 1867.

SIR: I have duly received your note announcing the arrival at Baranquilla of the President elect of Colombia and the Brazilian minister, and the attention paid to them at that place. Both of these gentlemen are now in Bogota, and have paid their respects to me.

That you may perceive the watchfulness of our government over the lives and interests of its citizens in this country, I inclose, herewith, copies of correspondence had between the Colombian government and myself, on the subject of the late inhuman murder of Americans at Carthagena.

I am sure I need hardly caution you to be very careful in your language to and of the people of this country on the subject to which these papers relate. I should not be astonished if there was a conspiracy on the coast to murder and rob more of our people who may happen to be among them.

I am, dear colonel, with great respect, your obedient servant,

PETER J. SULLIVAN.

Colonel E. P. PELLET,
U. S. Commercial Agent, Baranquilla, U. S. C.

Mr. Seward to Mr. Sullivan.

No. 23.]

DEPARTMENT OF STATE,
Washington, October 25, 1867.

SIR: Your dispatch of the 16th of September, No. 25, has been received. It is accompanied by an interesting correspondence which you recently had with Mr. Hanaberg, United States consul at Carthagena, on a rumor that a citizen of the United States had been assassinated at Rio Hacha, and also concerning the case of the persons, lately citizens of the United States, who had enlisted in the Colombian service on board the Colombian steamer *El Rayo*. The reported assassination having proved to be without foundation, and the case of the persons enlisted on the steamer *El Rayo* having been already considered, I do not find it necessary to enlarge at the present time upon either of those matters.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

PETER J. SULLIVAN, Esq., &c., &c., &c.

Mr. Seward to Mr. Sullivan.

No. 25.]

DEPARTMENT OF STATE,
Washington, October 30, 1867.

SIR: In my No. 14 I directed your attention to the painful event in which George A. Borchart and J. W. Murdaugh were assailed and murdered by a mob at Carthage on the 1st of September last. I instructed you to address yourself to the President of Colombia and, upon the grounds then mentioned, to urge a prompt and thorough investigation of the transaction, to the end that the guilty parties may be brought to condign punishment, and that indemnities, as far as possible, may be awarded to the families of the individuals who were barbarously slain.

Recent advices from Sabanilla tend to confirm with aggravation all the details which had before been received. It becomes my duty, therefore, to instruct you to press the subject upon the early attention of the Colombian government with all the vigor and energy that shall be consistent with diplomatic propriety and with the sincere friendship which this government desires to cultivate for the republic of Colombia.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

PETER J. SULLIVAN, Esq., &c., &c., &c.

Mr. Seward to Mr. Sullivan.

No. 28.]

DEPARTMENT OF STATE,
Washington, December 3, 1867.

SIR: I have to acknowledge the receipt of your dispatch of October 12th, No. 33. It reports to me the manner in which you have executed the instructions of this department, Nos. 3, 5, and 8. Your proceedings in that respect are entirely approved. It appears from your preceding dispatch that you anticipated the instructions contained in my dispatch No. 14, of September 25, to ask from the Colombian government an investigation and redress for the outrage and murder that were committed upon citizens of the United States, who were officers in the Colombian national service, by Colombian troops, with the alleged connivance of their officers, in the city of Carthage. Your proceedings in this matter also are approved and commended. I do not doubt that, in conformity with the last-mentioned instruction, you will have made before this time a supplementary representation to the Colombian government asking suitable indemnities in behalf of the families of the persons murdered, as well as in behalf of the survivors of the outrage.

I have laid before the President the answer which Mr. Martin, minister for foreign relations, gave to your representations, as well as your reply to that minister. You are now authorized to say that the decision which the Colombian government has made upon the subject is regarded by the President with sincere and unreserved satisfaction. I do not allow myself to doubt for a moment that Mr. Martin's assurances will be carried into full effect.

My instruction will have already apprised you that this government has accepted with entire satisfaction the explanations which the government of Colombia was pleased to make of the unfortunate transaction of the fraudulent purchase and equipment of the R. R. Cuyler. Should

it be necessary, you will renew the expressions of our satisfaction in that respect.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

PETER J. SULLIVAN, Esq., &c., &c., &c.

Mr. Sullivan to Mr. Seward.

[Extract.]

No. 47.]

LEGATION OF THE UNITED STATES,
Bogota, December 26, 1867.

SIR: I have the honor to inform you that vast beds of cannel coal have been discovered about forty miles back of Rio Hacha, and opposite to, and to the windward of, Saint Thomas. Rio Hacha is, I think, the nearest point of land to Saint Thomas. Between those coal beds and the sea the land is level and hard, along which a railway for conveying this coal to the Atlantic can readily and cheaply be made.

Ships can run at all seasons of the year, without interruption from adverse winds, from Saint Thomas to this point, for coal.

These facts I have learned from a highly accomplished and respectable English civil engineer who has been in Colombia for the last thirty years, and who has surveyed and mapped the said coal beds. He says this coal is the best in the world.

* * * * *

I have the honor to be, sir, your obedient servant,

PETER J. SULLIVAN.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Sullivan to Mr. Seward.

No. 49.]

LEGATION OF THE UNITED STATES,
Bogota, January 20, 1868.

SIR: I have the honor to inclose herewith copies (A and B) of correspondence had between the Colombian government and myself on the subject of the Panama commercial war tax.

The international law, as quoted by Secretary Martin, is equitable and just, but, in my opinion, does not well apply to the case at issue. This law presupposes that the native business men of any civilized country exceed in numbers the foreigners who may reside and do business in it. In the State of Panama all the merchants are, I believe, foreigners, principally citizens of the United States, and are to bear the whole of whatever taxation which every successful revolutionist may choose to levy upon them to aid him in his, sometimes, unlawful purposes.

While the government of Panama was trying to sustain one class of revolutionists the government of Bolivar was endeavoring to uphold another, and levied very heavy contributions on foreign merchants for that purpose. Every three or four years this practice has been ruinously pursued by lawless persons in Colombia, and it is high time that it should, so far as our people doing business here are concerned, in some way or other, be restrained.

As there have been no claims as yet presented through me to this government, founded upon said decrees or seizures, and as there is plenty of time to review this subject and fix upon a reasonable rule in the case by which I shall be governed, I have thought it better to submit the matter for the President's consideration and yours, than for myself to reply to Secretary Martin's said answer.

His answer is not altogether a very unfavorable one.

I have the honor to be, sir, your obedient servant,

PETER J. SULLIVAN.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

A.

Mr. Sullivan to Señor Martin.

LEGATION OF THE UNITED STATES OF AMERICA,
Bogota, August 27, 1867.

SIR: I have to inclose to your excellency a copy of instructions addressed to me on June 13, 1867, by the honorable Secretary of State of the United States of America, on the subject of the rights and obligations of citizens of the United States of America residing in the United States of Colombia.

Having previously read these instructions to your excellency, I now beg leave to entreat you to receive with favor the wisdom and good intentions which they impart towards your country; and believe me to be, sir, your excellency's most obedient servant,

PETER J. SULLIVAN.

His Excellency Señor Doctor CARLOS MARTIN,

Secretary of the Interior and Foreign Relations U. S. C.

B.

Señor Martin to Mr. Sullivan.

[Translation.]

OFFICE OF THE SECRETARY OF THE INTERIOR AND FOREIGN RELATIONS,
Bogota, December 3, 1867.

MR. MINISTER: I had the honor duly to receive the communication of your honor dated the 27th of last August, marked No. 32, and inclosing the instructions issued on the 13th of last June by the department of the United States of America to your honor, as resident minister to my government, and to the different American consuls and commercial agents in the Colombian Union.

As these instructions refer to certain acts of the government of the sovereign State of Panama, the executive has had to wait for official and detailed information of said proceedings before handing to your honor the reply which I herewith have the honor to address to you to-day. At the same time as I give this answer permit me to make a short résumé of the occurrences which have given rise to the claims made by certain North American citizens before the Department of State at Washington, so as to be able to duly appreciate the justice of said claims and the spirit of the instructions referred to, which were the result of said claims.

The 24th of October, 1866, the legislative assembly of the sovereign State of Panama, issued the seventeenth law granting certain authorization to the executive of the State; in therein is found, in the second paragraph of the first article, that which authorizes the raising, to double the value in the present year the commercial contributions, perueria, &c.; and the third paragraph of the same article first, which allows the State executive to anticipate the collection of the rents and contributions of the State, so as to be prepared for any eventuality which might produce the derangement of public order, the executive of Panama issued the decrees of the 11th of April and 24th of May last, making use of the authorities granted by said law seventeenth of the State.

These decrees were matter for the consideration of the foreign consuls residing on

the isthmus when they replied on the 27th of May last to a circular note of the 25th of the same which was addressed to them to inform them that, as General Mosquera had dissolved the national congress, refused to recognize sundry acts of said body, and declared the republic in a state of war, the President of Panama would not admit any force which might be sent by him to the isthmus so long as the situation which then threatened the country might last.

Mr. Francis W. Rice, consul of the United States of America, in giving with his colleagues the above mentioned reply of the 27th of May, manifested that such decrees of the government of Panama were contrary to public treaties and to the law practice of nations.

In view of these opinions, which were not accepted by the President of Panama, he, the President, hastened to call a meeting of various foreigners, so as to agree with them upon some measure which might replace that which they looked upon as prejudicial to their interests; but the arrangement which was sought by the President of Panama in the civilizing spirit of conciliation could not be arrived at, and he was obliged to order that his previous disposition should be carried into effect.

Afterwards he accepted a proposition which was made to him, that the quarter which commenced on the 1st of June should be paid in advance, reserving to himself the right to raise the contribution to the limits of the said seventeenth law in case of need, after temporarily suspending the execution of said decrees.

This is the truth of the circumstances, and on such acts, supported by trustworthy documents in possession of the national executive, do I now proceed to examine the claims referred to, and to take into consideration the instructions which your honor has been pleased to pass me a legalized copy of.

This appreciation would appear useless in consequence of the suspension of the execution of the executive decrees of the government of Panama issued in compliance with a law of the assembly; but as this is a precedent which may in future cause new questions, the federal executive thinks it might be examined.

The seventeenth law of the sovereign State of Panama, and the decrees of the 11th of April and 24th of May last, in the execution of said law, are not contrary to the national constitution, which allows the States to establish contribution to provide for the expenses, so long as the limit set down in the eighth article of our fundamental law is not exceeded.

The treaty of amity, navigation, and commerce, existing between the two countries, was not violated in any way by said acts, there not being any stipulation exempting the citizens of North America from the payment of ordinary contributions of the class now under discussion.

Quite on the contrary, in the third article it is stipulated that the citizens of either of the contracting countries may reside and trade in the territory of the other, enjoying the same rights, privileges, and exemptions as the natives, but *subject to the laws, decrees, and usages to which native citizens are subject.*

There is now only to inquire if these acts of the government of Panama are contrary to the general stipulations of international law. The general rule is saving only when restrictions are imposed by public treaties, that foreign inhabitants have to bear the burden which the laws impose upon the citizens without any other condition than that of the burden of services; and obligations of this description comprise equally citizens and foreigners.

In accordance with the above prescriptions of international law, the Colombian law of the 21st of June, 1866, defining the condition of foreigners, their rights and obligations, concedes to domiciled foreigners the same guarantees and rights as the Colombians in their persons and property, saving likewise the stipulations of public treaties.

And these prescriptions of international law, which are ratified in the Colombian law, are the expression of a very just obligation. If foreigners come to our country for their convenience, under the protection of our laws, it is natural that if the progress of the country should require it, as actually happened, for the preservation of public order and the support of the authorities, and if this progress should reach them in their private affairs, that they should lend their aid and contribute in a just and equal measure to the preservation of public order, and the support of these authorities who protect them.

This doctrine, wholly equitable, just, and in accordance with international law, is that which is accepted and sustained by the government of the Union in cases of the class to which I have referred.

The instructions which your honor has been pleased to communicate to me, appear to result from a report somewhat partial, and it is on that account, without doubt, that the American government, considering said contributions, destined for war purposes, judged that the treaty between the two countries, as likewise the Colombian constitution and international law, were a just support to the claims. Proceeding on these premises, his excellency Mr. Seward, the Secretary of State's said instructions, that the citizens of the United States of America, resident in Panama, were to refuse the payment of said contributions, except under protest, and his excellency the Secre-

tary of State adds, that after it is fully known the character of the conflict, his government will determine upon the question that might be presented.

Evidently the instructions alluded to were dictated by a spirit of foresight and benevolence for this government, which is appreciated in a high degree by the President; but having been issued under suppositions distinct from the actual facts, and from reports which attributed to the acts of the government of Panama motives and irregular tendencies which did not exist, the national government considers that it ought to place said acts in their proper light, so that the minister, being better informed, may manifest to his government the true facts, that there may be no deception as to the legality of the action of the Panama government with reference to the decrees about the commercial contribution.

The executive considered just the instructions issued by his excellency the Secretary of State of the United States of America with respect to the observance of certain blockades. The federal government, as soon as it received advice of the blockade of the port of Santa Martha, disapproved in the most explicit manner of said acts, in consequence of its having been decreed by incompetent authorities to decree and carry into effect, and for other motives. Timely orders were given in consequence of the blockade, and the necessary measures taken that said orders should be obeyed, as they were accordingly.

Having terminated the reply which the instructions communicated by your honor to my department required, I have the honor to subscribe myself General Sullivan's obedient and faithful servant,

C. MARTIN.

Mr. Sullivan to Mr. Seward.

No. 50.]

LEGATION OF THE UNITED STATES,
Bogota, February 1, 1868.

SIR: I have the honor to inclose herewith the message of President Santos Acosta to the Colombian congress. I hope that by the next mail I will be able to send you the answer of this government to my note demanding suitable indemnities in behalf of the families of Borchart and Murdaugh, murdered at Carthagena, on the 1st of September last, as well as on behalf of the two survivors of that barbarous outrage.

I have the honor to be, sir, your obedient servant,

PETER J. SULLIVAN.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Translation.]

Message of the President of the United States of Colombia to the Constitutional Congress of 1868.

CITIZEN SENATORS AND REPRESENTATIVES: I comply with my duty in reporting to you the course of events since the close of the last session of congress, and the condition of affairs in the republic during my administration; but first let me congratulate you and the country on your meeting this day. The assembly of the federal congress at the time fixed by the constitution is one of the most auspicious events in the ordinary life of representative countries, for it announces order and regularity in the system of government, promises satisfaction to the political wants of society, offers light to the rulers in public affairs, and places the responsibility for everything upon those who are charged with supreme command.

I have discharged the duties imposed upon me by Providence and the people of Colombia, to the best of my ability, and with the best intentions.

Now that peace is restored throughout the republic by the defeat of the rebels in Tolima, the federal government will continue quietly in the path traced by the constitution. All branches of the government are working well, and hopes are entertained that they will not again be disturbed by internal commotion.

Tolima became quiet soon after the disappearance of its governor, who took the part of the dictator who wished to subjugate the country. After the national victories in

that State the federal forces were withdrawn and the State organization was continued without molestation in any way. Elections were held for a convention which formed a constitution, a governor was elected, and members to the federal congress. But this was scarcely done when opposition arose to the new government, particularly in the southern part of the State. These were hardly suppressed when other revolts broke out, and even now there are many enemies of the present government in the State.

Before I received the new constitution of Tolima, I heard of new revolts. The provisional governor informed me that the State was invaded by armed bands from Canea, and asked for national aid to oppose them.

I have had no official intercourse with the new government, because existing laws do not justify it. The law of the 16th of April, on public order, allows the federal government to acknowledge a new government in a State where rebellion exists only under two circumstances: where there is a complete submission of the insurgents and a return to the old order of things; and where the new government is organized in conformity to article 8, section 1, of the national constitution. This is the plain meaning of that law, although political cliques may give it a different interpretation. Neither of these circumstances have occurred in the new government of Tolima. For these reasons I leave the new government to be confirmed by the congress which is about to assemble.

Next to my care for domestic interests, my solicitude has been to keep up friendly relations with foreign powers, and fortunately this has been attained. Though this state of things is chiefly due to the frankness, honesty, and loyalty of my government, yet the just and benevolent conduct of the distinguished diplomatists accredited to this country has greatly contributed to it. At no former time has our relations with other governments been more cordial. From the United States of America we have recently received touching testimonials of regard.

Besides the foreign ministers that were with us at the last session of congress, we have an envoy extraordinary and minister plenipotentiary from the empire of Brazil, and a minister resident from the American Union lately arrived.

I have thought proper to send a distinguished Colombian as first class minister to Venezuela, to settle our boundary question, tariff regulations between the two nations, and the navigation of common rivers. The mission promises satisfactory results, and I hope it will be confirmed by the senate.

I have not accredited ministers to other countries of America and Europe, because the term of my office expires so soon, I thought it would be better to leave that duty to my successor. I have advised Colombian consuls abroad to act for the legations at their respective posts.

The federal courts have administered justice regularly, and the public department has fully discharged its legal duties.

A national Colombian university was created by the last congress, and the executive power has endeavored to carry out the decrees in the manner you will find detailed in the official paper. This institution, of so much promise to the country, will be organized during the present month. If you will give it the protection it deserves it will be an honor to the government and to the country.

I have adopted other measures to encourage public instruction, to disseminate the useful arts through the country, and to establish literary and scientific relations with societies in other countries. The details of these you will find in the report of the proper department.

The crisis through which the republic has just passed, and its unsettled state for the last few months, disturbed the collection of the revenue and of course the returns have been lessened; but the constant, calm, and energetic action of the public officials begins to restore the normal condition of imports, so important to national existence. The returns for the last fiscal year are as follows:

Custom-house returns	\$1, 027, 554, 700
From salines	826, 470, 475
National property	36, 808, 155
From the Panama railroad to the 16th of August last.....	257, 540, 910
Total	2, 148, 374, 240
There is a deficit in coinage cost of.....	\$5, 958, 811
In mail service	21, 910, 240
Total	27, 869, 231
Leaving a net profit of.....	2, 120, 505, 009

I recommend to your notice the suggestions that will be made to you by the proper secretary, in regard to the prohibition of foreign salt, to the great injury of our own salines.

In the Panama railroad account you will find the amount received by the last administration, which ought to go to the payment of our foreign debt. The revenues have not been sufficient for the expenses of my administration. Very little has been derived from the custom-houses. But for the million derived from the railroad the government could not have been sustained during its troubles.

During the six months from the 1st of June to the 31st of December last, the receipts were \$648,157, and the expenses, \$639,378.

I also send to the house of representatives a special message with my estimates of receipts and expenses for the coming year. I have endeavored to practice the strictest economy since the beginning of my administration, and in this view it will be seen that my estimates for the next year reduce the government expenses more than a million of dollars.

In the report of the secretary of the treasury and national credit, you will find the detail of our home and foreign debt, and the result of the redemption of church property.

I regret that, for reasons known to you I cannot give the expenses of last year. The estimates have been incorrect since 1859. Order and subordination of the Colombian civic guard are improving; all its members are giving proof of their courage and loyalty.

As the country is now in peace, and war no longer threatens, I have reduced the army by two thousand men.

The reports of the different departments will furnish detailed accounts of their respective branches of the public administration.

In conclusion, I must say that the glorious deeds of last year have restored our national institutions, the country is once more at peace, and the people breathe the spirit of confidence. The laws are now faithfully observed and federal order reigns in the republic. Though this is not perfect prosperity, it promises the dawn of a better day.

May Providence again smile upon our people, and may its representatives approve of my acts.

BOGOTA, *February 1, 1868.*

SANTOS ACOSTA, *President.*

CARLOS MARTIN,
Secretary of the Interior and Foreign Relations.

JORGE GUTIERREZ DE LARA,
Secretary of Finance and Industry.

ANTONIO FERRO,
Secretary of the Treasury and National Credit.

JOSÉ MARIA BARAGA,
Secretary of War and Marine.

Mr. Sullivan to Mr. Seward.

No. 52.]

LEGATION OF THE UNITED STATES,
Bogota, February 15, 1868.

SIR: I have the honor to inclose herewith, (A, B, C,) correspondence had between myself and the United States consul at Carthagena, on the subject of the evidence and trials of the murderers of American citizens at Carthagena, on the 1st of September last.

I have the honor to be, sir, your obedient servant,

PETER J. SULLIVAN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

A.

Mr. Hanaberg to Mr. Sullivan.

CONSULATE OF THE UNITED STATES OF AMERICA,
Carthagena, United States of Colombia, January 14, 1868.

SIR: I have the honor to remit you herewith a translated copy of the testimony of Mr. Manuel A. Oronoz, before the provincial court, in relation to the occurrences of the

1st of September last, which testimony was only called for on the 31st of December. This copy of the testimony was furnished to me by the President of the State at my request.

I also send you a copy of the Gaceta de Bolivar, No. 532, which contains the report of the secretary general of the State to the general government in relation to the same occurrences, and accompanying the same some remarks of my own in reference to some of the contents of said report.

It may be proper that these remarks should be made public, the same as the report, but this could only be done by communicating them to the authorities of the State, which might lead to a controversy with the government, for which I have neither the time nor disposition.

In the same official paper will be found the report of the judge as to the state of the question before the court encharged with the investigation.

The testimony which has been requested from Santa Martha, as therein referred to, is that of Mr. Dornin, who returned to the United States some three months since.

I was informed a few days since that the carpenter, Franco, one of the persons accused of the murder of Mr. Borchart, was seen and spoken to by the person who informed me, at work at his trade in the street. I mentioned the circumstance to the President of the State in a private interview, when his excellency assured me that such could not have been the case, as this man was confined in the public hospital, from which he could not go out except by permission of the authorities, which permission had not been given.

I have no doubt it is true, however, as also that the other accused persons are allowed to leave the hospital, as has been reported to me, notwithstanding his excellency may not be aware of the fact.

The President also informed me that the national troops which had formed the escort of General Mosquera as far as Panama were to return to the capital instead of remaining in this city, as had been promised.

I am, sir, very respectfully, your obedient servant,

AUG. S. HANABERG,
United States Consul.

General PETER J. SULLIVAN,
United States Minister, Bogota.

Translation of the testimony of Manuel A. Oronoz before the provincial court.

In Carthagena the thirty-first of December, one thousand eight hundred and sixty-seven, in which appeared Mr. Manuel Anto. Oronoz, the judge of the province proceeded to receive his oath, previously reading the conducent articles of the penal code, under which charge he promised to tell the truth as to what he knows and may be asked.

Questioned as to his name and surname, age, nationality, residence, profession, and state, he answered: named as is written; forty years of age; native of Puerto Cabello, Venezuela; resident of this place; merchant, and married.

Questioned that he should say what he knows or is aware of in relation to the occurrences which took place the 1st of September of the present year, at 7 o'clock at night, in the building Hotel Bolivar, and which resulted in the death of an American officer of the steamer Rayo, Geo. A. Borchart, he answered: that effectually on the 1st of September mentioned, in the evening, the deponent was in the Hotel Bolivar, as the place had been and is his dwelling-place, and that he cannot deny that he was an actual witness of the horrible scandal which in the end resulted in the death of the North American and a companion also of Borchart; that of the group or multitude of people that was in the hotel that night he knew but very few persons, except a young man, Peñaranda, who may justly be called the general promoter and instigator of the disgraceful occurrences of that night; that he also saw there Mr. Miguel Céspedes, second commander of the battalion rejenerador, Mr. Vicente Barrios, an officer of the same force, and a carpenter named Franco; that at the present moment he does not remember, as he has already said, the name of any of the crowd, because the greater part being unknown to the deponent, it would require time to make reminiscences; that he does not deny, as he said in the beginning, that he was in the hotel on the night of the 1st of September; but he only remained there until the assassins, assisted by armed soldiers of the battalion before mentioned, fell upon Borchart; that during this act, so horrible and repugnant to the deponent, he left the house, leaving therein of the persons who resided there, only the house-maid, Mrs. Antonia Gallardo, and a servant, called Juan; that at about 11 o'clock at night he returned to his lodgings and found all in silence, but from this moment he employed himself with Colonel Perea and the proprietor of the hotel in the means of saving and embarking of Mr. Dornin, who was wounded, and his companion Smith, who were delivered by the deponent and the two persons previously mentioned, to the American consul, at 1 o'clock at night; which is what he recollects of the occurrences of the 1st of September mentioned.

Questioned, who are the assassins who fell upon Borchart as stated by the deponent in his previous answer, assuring that he was an actual witness, and did not leave the house until after the death of Borchart was consummated, as well as the wounding of Dornin, he answered: That in a crowd of so many persons who disputed the means of entrance to the room in which the person who was the victim had taken refuge, and the greater part of those composing the mob being unknown to him, he cannot precisely state who were the authors of the crime. When, even had the deponent been in the midst of the crowd who killed Mr. Borchart, could he say with certainty who struck him first or who afterwards? Questioned, if the deponent knows who were the first who entered the hotel before the concurrence became numerous, and who were the first to attack the American officers, he answered: to the first, that he did not know those who came in at the commencement, and if there was any one known to the deponent he does not remember at present; to the second part, that from this former answer it may be understood that the deponent, incapable of telling falsehoods, cannot conscientiously say who killed Mr. Borchart or who wounded Mr. Dornin.

Questioned, what other persons can give an account of the occurrences which are being investigated, he answered that in the first place Mrs. Antonia Gallarda, who can describe the whole of the terrible drama if she has a good memory; in the second, a servant of the hotel called Juan, whom he has already mentioned; in the third, Mr. Nicolas Penaranda; and in the fourth, the same proprietor of the hotel, Mr. Marcos Isaacs; with which was concluded the examination, and having been read to the deponent he affirmed and ratified it, signing after the judge and before me, the subscriber, secretary.

J. MORI,
MANUEL A. OROÑOZ.

FRANCISCO DE LA ESPRIELLA.

Secretary.

A true copy:

TEL DE LA ESPRIELLA.

[Translation.]

Report of Eusebio Baena, secretary general of the State of Bolivar, to the secretary of the interior and foreign relations of the federal government.

CARTAJENA, November 14, 1867.

By the mail of the 29th ultimo, I announced to you, by order of the President, that I would send you a circumstantial and authentic account of the lamentable events of the 1st of September last. This has not been done, because it was supposed the occurrences were of no international importance; but as the minister resident of the United States of North America has unjustly blamed the State authorities for them, I will make the report in full, to show the inaccuracy of the assertions made by the respectable minister resident.

On the 27th of June last, Cartajena Bay was the theater of a horrid crime. Political events in the republic prevented its punishment. Its perpetrators were adventurers of the worst character.

The national war steamer Colombia was anchored in the bay. On board were Colonel Flores, Purser Granados, Surgeon Revollo, Ensign Arosemena, Lieutenant Rodriguez, (with eight men,) and some American sailors. Mr. W. Bradford, the American captain, was ashore. Near the Colombia was anchored the steamer Rayo, with an American crew of fifty-five men under the command of Captain E. G. Read. On the 17th of June, at eleven o'clock at night, the crew of the Rayo, commanded by Read, went on board the Colombia, after shooting the sentry, and with rifles and revolvers began shooting in every direction. Four men sprang into the water, to escape certain death; two of them were drowned, and the other two swam two miles to land.

The aggressors then seized the Colombia and forced the pilot to steer out of the bay. This pilot was brought on board the Rayo under the pretext to take Mr. Miguel Vengoechea, jr., and his baggage ashore. The vessel stopped at the castle of Boca Chica and took in coal from bunkers that were broken open. It was bound for Santa Martha.

Early the next morning, far out at sea, not wishing to murder the Colombians on board, Vengoechea put them in an open boat, without rudder, oars, or sails, and sent them adrift, without bread or water. These men were Flores, Rodriguez, Revollo, Granados, and Arosemena, with four common soldiers. Thanks to the wind and current, they reached land safely.

On the morning of the 28th, as soon as the facts were known, the indignation of the people of Cartagena was immense, and the hate of the officers of the Rayo is still intense, though many months have elapsed. Only four days previous, part of the crew

took the Italian Star, which had been seized by the Colombia for a transport, though not used, because it grounded in beating out of port.

Before this was done, gunpowder was secreted in the steamer Rayo, so that if the fires were lit in the vessel, an explosion would have occurred, to the destruction of the steamer and contiguous vessels.

This abduction of the Colombia, though effected without bloodshed, caused general indignation. It was done by officers of a friendly vessel, by perfidy and assassination. The only motive was to get a few thousand dollars, and political passions had nothing to do with the act.

Now this crime gave rise to the events of the 1st of September, our main subject.

On Sunday, the 1st of September, at half past five in the afternoon, the royal mail steamer entered the bay, having on board Borchart and Murdaugh, the men who were afterward murdered. Two Americans, late officers of the Rayo, were also on board. Nobody expected them, and therefore the authorities could not prevent what occurred two hours afterwards. It may also be well to state that two residents of this city, Mr. Elói Porto and Mr. Felipe S. Paz, came as passengers on the English steamer, and warned Borchart, Murdaugh, Dornin, and Smith not to come ashore, as the inhabitants were incensed against them for their past conduct. Ramon S. Sanchez, an American, also advised them not to land. They said they would go armed, to defend themselves; and they then got drunk before they put foot on the custom-house wharf.

At seven o'clock they landed, fully armed, as they had been told that they would be attacked. The news of their arrival had already been circulated, and they were expected at the landing.

Instead of going to the authorities for protection, all except one went to the Bolívar Hotel; the one went to the club-house. As they entered the hotel, boasting that they were armed, Mr. Peñaranda circulated the report that Borchart, Dornin, and Smith had tried to kill General Mendoza Llanos, who was stopping at the hotel, and had sworn to take the lives of other State officers, in revenge for the defeat on the Magdalena, on the 1st of July.

This was believed, because David Pereira, governor of the State of Magdalena, had been murdered only fifteen days before, by a band of ruffians at Baranquilla. Commander Cespedes and Captain Barrios then went to the hotel to learn the truth of the report. On reaching there, they found a crowd of two hundred persons, with a few idle soldiers among them. As soon as Cespedes and Barrios arrived the row began by an attack on them by the ex-officers of the Rayo. Revolvers were freely used, and Barrios was slightly wounded. No Americans were hurt. The combat was stopped by the fortunate intervention of Mr. Peñaredenda and others.

When Cespedes and Barrios had left the hotel, the mob broke in, and killed Borchart in his hiding place.

All this was done so suddenly, that the governor of the province, with some troops, could only save the lives of Smith and Dornin, who were wounded. Borchart was already dead.

At the beginning of the fight the President of the State ordered officers to be ready in case of any difficulty; but they were too late to do much good.

While this was going on at the Bolívar Hotel, a party of six or eight men went into the club-house and murdered Murdaugh; by the time the forces got there the murderers were gone.

This is the true account of the affair.

The district alcalde instituted an examination that very night.

The lives of Smith and Dornin were saved by the public authorities, and not by Mrs. Gallardo and Mr. Peñaredenda, as the American consul states.

Between nine and ten at night the consul asked assistance from the President of the State to put Dornin and Smith on board, and he was furnished with a squad of soldiers for that purpose. They were taken from the Bolívar Hotel about midnight, and put on board the royal mail steamer.

In a letter to the governor, Dornin has falsely stated that the American and English consuls asked the President to save the lives of the two men, and he agreed to do so, provided the consuls would give their word of honor to send them off in the steamer Tyne.

Mr. Hanaberg called on the President at ten o'clock, after the murders had been committed, and the mob had scattered. If what Dornin said had been true, the consul would have mentioned it in his note to the minister resident. Neither is it true that the proprietor of the hotel asked the President for a guard to protect his establishment.

In his deposition, the hotel-keeper says nothing of what Dornin asserted to be true.

Dornin confesses that he and Borchart tried to get arms at Logan's before they went to the hotel, and that they passed through a crowd without being disturbed. Why did they not go to the authorities, instead of preparing to defend themselves?

Dornin pretends to give the names of those who attacked them, when he does not know Cespedes, Barrios, nor Vives.

Mrs. Gallardo and Mr. Peñaredenda, eye-witnesses, who could have no inducement to prevaricate, state in their depositions that Borchart was killed by two soldiers, after Cespedes had left the hotel. The witnesses saw Borchart killed, and Dornin was not present. Which must we believe?

Dornin says Borchart's body was mutilated; the medical autopsy does not corroborate it; there were two wounds upon it from fire-arms, and one slight cut. Instigated by the declared enemies of the government of Bolivar, Dornin makes a declaration that is not worth the contradiction. His whole story is prompted by malevolence and the desire of revenge.

You will see from accompanying papers, that a due judicial investigation of the whole affair has been made by the proper authorities.

Commander Cespedes, Captain Barrios, and Lieutenant Marquez have been discharged from the service, and are now in prison; so is Nicolas Franco. This shows the determination of the State government to punish the offenders.

I also send you No. 522 of the official paper, containing the correspondence with the American consul on the subject of the events of the 1st of September, and if I get the report of the trial I will also forward it. (It was received and sent.)

In conclusion, I solemnly protest against the imputation upon the government of Bolivar of the crimes of the 1st of September. This is necessary, not for the Bolivians who know the proverbial honesty of their rulers, but for the people of other States, who are imposed upon by the anonymous publications in some of the Bogota papers, where the people are still angry with the people of Bolivar for their conduct in the crisis of April and August last.

I have not commented on the note of the governor of Magdalena to the President of the Union, in relation to the first events here mentioned, because it would make this communication too long. No one can tell why the governor of that State ventured to give information not asked for, and about occurrences of which he knew nothing, and which, of course, he could not properly appreciate.

EUENIO BAENA.

C.

Remarks in relation to some of the contents of the communication of the secretary general of the State of Bolivia to the secretary of the interior and foreign relations of the national government, in reference to the occurrences of the 1st of September last.

1. It is here stated that two men of the crew of the steamer Colombia were drowned in making their escape from that vessel at the time she was seized by the officers and crew of the Rayo. I doubt if this was the case, for the following reason: On that occasion a man swam on board of an American brig lying in the harbor, and stated that himself and a companion had jumped overboard from the Colombia, and as his companion had not reached the same brig he supposed he had been drowned, but he may have reached the shore, which was not more than a quarter of a mile distant.

2. There appears to be no doubt but that the furnaces of the Rayo were found to be charged with powder and combustibles a few days after she was abandoned by her officers and crew, but Commander Read and several of the officers have most emphatically denied that either themselves or any of the officers of that vessel had any knowledge of anything of the kind, and intimate that it must have been done after they left the vessel.

3. The assertion that the officers and crew of the Rayo were induced to take off the Colombia by the offer of several thousand dollars for so doing, is evidently false, as it has been most emphatically characterized by an impartial foreign official at Santa Martha, who was in a position to know, as he was discharged with the settlement of the claims of those officers and crew against the State of Magdalena.

4. If the four ex-officers of the Rayo came on shore from the royal mail steamer Tyne perfectly armed, as here stated, what necessity was there for their endeavoring to procure arms at Mr. Logan's, as stated in this same communication?

5. The Señor Peñaredenda Transante here mentioned was a secretary or attaché of some kind of General Mendoza Llanes. He was never arrested, or called upon even for his testimony.

6. Commander Cespedes and Captain Barrios went to the hotel from the cuartel with the avowed intention of attacking the officers of the Rayo, as related to me by Mr. Manuel Gomez, (privately,) who was present when Cespedes expressed such intention to Commander Manuel Gonzales Caraso.

7. The statement that the officers of the Rayo presented themselves to the crowd at the hotel in the "attitude of attack," is destitute of truth, as appears from the declara-

tions of Antonio Gallardo and Juan Maria Callero, the only witnesses who have testified in relation to that part of the occurrence.

8. That the party who entered the club and killed Mr. Murdaugh consisted of "six or eight persons," is a most extraordinary assertion. Mr. Juan de Dios Ruiz, who evidently avoided telling half of what he saw, swore that there were more than one hundred, and Dr. del Real and Dr. Juan W. Pombo state that it was a multitude of armed men.

9. There is not the least ground for the statement that the presence of the authorities was the cause of saving the lives of Messrs. Dornin and Smith. According to all testimony on the subject there was no lawful exercise of authority in the premises, neither did the governor present himself until the outrage was terminated by the murder of Mr. Borchart, and the secretion of Messrs. Dornin and Smith, which was done by the mother of the proprietor of the hotel and by the proprietor himself, in such a manner that even the governor himself and his picket of soldiers could not discover them, although they searched the house with that object after the excitement was over, as stated in the testimony of Mr. Marcos Isaacs. Besides, if those officers were rescued by the intervention of the authorities, as it pretended, those authorities should be able to state how, where, and from whom they had rescued them.

10. It is not only Mr. Dornin who states that the body of Mr. Borchart was found to be mutilated. Eye-witnesses have sworn to the fact that they saw the carpenter, Nicholas Franco, striking him with a chisel at the time he was killed.

11. If, as here stated, there were among the two hundred or more persons in the attack at the hotel but a few soldiers who happened to be on the streets, not on duty, the retreat not yet having been called, how is it that the witnesses swear that the crowd was composed principally of soldiers, who were armed with muskets or rifles? There is no doubt that one of the wounds of Mr. Borchart was caused by a ball from a rifle or musket.

I would also remark that the charge having been made that the victims of these outrages were shot at by the soldiers, an examination of the arms and munitions of those soldiers who were outside of the cuartel at the time would have proved the truth or falsity of the charge, and in the first case have discovered the criminals. Why was such an examination not made?

AUG. S. HANABERG,
United States Consul.

CARTHAGENA, *January 8, 1868.*

B.

Mr. Sullivan to Mr. Hanaberg.

LEGATION OF THE UNITED STATES,
Bogota, February 15, 1868.

SIR: Your dispatch of the 14th ultimo, with inclosures, commenting on the report of the secretary general of the State of Bolivar to the secretary for foreign relations of Colombia on the outrage and murder committed on American citizens at Carthagena on the 1st of September last, has been received.

I have again to repeat my thanks for the vigilant and efficient manner in which you have discharged your duty in this memorable matter, and the concise mode in which you have carried out my intimation to you to give me your comments on the testimony and result of these cases.

I shall make use of your said dispatch and most valuable accompaniments in due time.

I am, sir, your most obedient servant,

PETER J. SULLIVAN.

AUG. S. HANABERG, Esq.,
United States Consul, Carthagena.

Mr. Sullivan to Mr. Seward.

[Extract.]

No. 59.]

LEGATION OF THE UNITED STATES,
Bogota, March 22, 1868.

SIR: * * * * *
On the 20th of January last, in conformity with your instructions

of September 23, No. 14; October 30, No. 25; December 3, No. 28; I addressed a supplemental note, of which Inclosure A is a copy, to the Colombian government, demanding indemnities in behalf of the families of the American citizens murdered, as well as on behalf of the survivors of the outrage at Carthagena on the 1st of September last.

Secretary Martin had given me to understand, from time to time, that this demand would be settled without any difficulty; * * * but as the present administration was about to go out of office, and finding no communication from you on the subject, it addressed me a note, of which Inclosure B is a translation. * * * As I have resolved to defer my reply to said communication until after the new administration shall have been inaugurated, on the 1st of April instant, I thought I ought to inform you of the progress of this perplexing case up to the present time.

Unless changed by the action of President Johnson, * * * I shall in my said reply hold the Colombian government responsible for said indemnities, believing that this is the desire of our government.

I have the honor to be, sir, your obedient servant,

PETER J. SULLIVAN.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

A.

Mr. Sullivan to Señor Martin.

LEGATION OF THE UNITED STATES,
Bogota, January 20, 1868.

SIR: In obedience to instructions from my government, and as supplemental to my note which on the 5th of October last I did myself the honor to address to your excellency on the subject of the murder of George A. Borchart and J. W. Murdaugh, and of the murderous attack upon T. L. Dornin and Lieutenant Smith by a mob of Colombians at Carthagena on the 1st of September last, I now further demand of the Colombian government indemnities in money for the relatives of the persons so murdered, as well as on behalf of the survivors of said outrage.

Colombia owes it to herself and to the high position which she occupies among the family of republics to convince her oldest sister and best friend, the United States of America, that justice and fair play shall ever be the unselfish object of the younger toward the children of the older republic.

I request that your excellency will inform me without delay of the action of your government on this demand.

I have the honor to be, sir, your excellency's obedient servant,

PETER J. SULLIVAN.

His Excellency Señor Doctor CARLOS MARTIN,

Secretary of the Interior and of Foreign Relations, U. S. Colombia.

B.

Señor Carlos Martin to General Sullivan.

OFFICE OF THE INTERIOR AND FOREIGN RELATIONS,
Bogota, March 24, 1868.

I have had the honor to receive the note of 20th January last, in which your excellency, in addition to that of the 5th of October last, which referred to offenses committed in Cartagena on 1st of September, 1867, upon the persons of Messrs. G. A. Borchart, J. W. Murdaugh, J. L. Dornin, and J. Smith, demands of the Colombian government indemnities in favor of the families of the two former, who died in consequence of the said offenses, and of the persons of the two latter.

The government has entertained a feeling of regret upon being informed of the contents of the said additional note, because it cannot perceive upon what basis the demand made therein can be supported. On the contrary, it finds clear and precise rules in the law of nations, corroborated by the stipulations of the treaty at present in force between this republic and the United States of America, consonant with the internal laws of Colombia, and which demonstrate that the occasion for the government to concede the indemnification which your excellency solicits has not arrived.

Your excellency is aware that the Colombian government, as soon as it was informed of the crimes committed on the 1st of September, condemned them in the most solemn manner, and gave orders to the attorney general of the nation to carry into effect, by means of the respective agents of the public ministry, the investigation of the facts, with a view to inflict upon the parties responsible for the said crimes the punishment which the law decrees.

Your excellency lost no time, in the note which you were pleased to address to this office on the 11th of October above mentioned, to express your satisfaction with the conduct observed by the Colombian government respecting this affair, considering it a "fresh proof of the friendly spirit of the republic of the United States of Colombia toward the government and people of the United States of America," and your excellency will have seen published in the *Diario Oficial*, No. 1,055, the note which, in consequence of the said requisition, the attorney general of the nation transmitted to the attorney general of the sovereign State of Bolivar, under date 14th October last.

Neither the recommendation of the federal executive power, nor that of the attorney general of the nation, was, however, necessary. On the very night of the 1st of September the competent authorities of Carthagena proceeded to draw up the *procès verbal* of the occurrence, visiting the places in which the crimes were committed, and receiving the declaration of such persons as were supposed to have been present.

Subsequently nothing has been omitted, with a view to obtain as complete a *procès verbal* as possible. The North American consul in Carthagena, who had handed your excellency a report of the said events, as being perfectly acquainted with them, was requested to point out the individuals who might be able to give information upon the subject. In this capital the testimony of Señor Juan Manuel Grau was received and added to that of such other individuals as the public papers have pointed out as having been present at the events of the 1st of September. Finally, Messrs. Miguel Cespedes, Teodoro Yates Marquez, Vicente Barrios, and Nicholas Franco were arrested, as your excellency was informed from this office, as appearing to be responsible for the said crimes, and they still remain in prison at the date of the last advices received by the executive power.

As far as regards the design of this note, the narration of the few preceding facts, already known for the most part to your excellency, and taken from authentic documents, is sufficient, together with a statement of the principles of the law of nations, as regards the matter.

Vattel, treating of the responsibility which may accrue to a nation from the actions of the members who form it, after establishing the principle that whoever maltreats a citizen indirectly offends the state whose duty it is to protect him, and that if a sovereign, who has the power to restrain his subjects within the bounds of justice and peace, permits them to offend a foreign nation or citizen, he aggravates the said nation as much as if he himself had offended it, expresses himself in the following terms:

"Nevertheless, as it is not possible for the best organized state, or the most vigilant and absolute sovereign, to regulate at his pleasure all the actions of his subjects, and maintain them always in the strictest obedience, it would be unjust to impute to the nation or to the sovereign all the faults of the citizen, consequently it cannot generally be said that an offense has been received from the nation because it may have been received from one of its members.

"But if the nation, or its chief, approves or ratifies the action of the citizen, he makes it his own affair, and the offended party must then look upon the nation as the real author of the offense, of which, perhaps, the citizen has been but the instrument.

"And since the latter, the sovereign of the individual who has committed the offense, ought not to permit his subjects to molest or injure those of another, and still less audaciously to offend foreign powers, he must oblige the culpable party to make reparation for the injury or the insult, if it be possible, or to punish him in an exemplary manner, or finally, according to the case and circumstances, deliver him up to the offended state, in order that the latter may do justice.

"The sovereign who refuses to oblige his subject to repair the injury caused, or to punish the culpable party, or finally to deliver him up, makes himself, in some respects, an accomplice in the injury, and responsible for the same."

Mr. Bello, in his treatise on international law, while stating the rights and duties of foreigners, established a doctrine similar to that of Vattel.

The before-mentioned author declares "that the foreigner, as soon as he enters the territory of another nation, contracts the obligation of submitting to the laws and

local jurisdiction, and the state offers him the protection of the public authority deposited in the tribunals; so that if the latter should unjustly refuse to hear his complaint, or should do him a manifest injustice, the foreigner may then interpose the authority of his own sovereign, having recourse to the minister of the nation near the government in whose territory he resides, or in order to be heard in judgment or to be indemnified for the injuries he may have received. He adds that the acts of jurisdiction of a nation over the foreigners residing therein, if they are in conformity with its own laws, must be respected by other nations, in virtue of the obligations which every person contracts on entering the territory of a foreign state to submit himself to its laws, and consequently to the regulations which it has established for the administration of justice, and finally from the obligation which the state contracts of observing the said laws as regards the foreigner, he infers that if the state approves, instigates, or tolerates the acts of injustice and violence of its subjects against foreigners, it makes them in reality its own, and makes itself responsible for them as regards other nations."

It is apparent, therefore, that the cases in which a government is responsible for the acts of its subjects executed against foreigners are limited to those in which the said government approves, instigates, or tolerates the said acts, refusing to punish the culprits, or that the latter make good the injuries they have caused. The American legation has not made, nor could it in justice make, against the Colombian government the accusation of having approved, instigated, or tolerated the crimes of the 1st of September.

The contrary has been recognized by your excellency, and is proved by the facts related at the commencement of the present note, as well as by the trial in progress in Carthagena in consequence of the said crimes.

The injured individuals will possess the right to be indemnified for the damages received by the persons who caused them, establishing their claim before the authorities of Colombia, and in accordance with the laws of the republic to which they submit themselves, when they entered the territory of the union.

Equally clear with the statements of the law of nations above cited are, as regards the present case, those of the treaty rights between Colombia and the United States of America.

The treaty in force between the two countries states in the 13th article that the two contracting parties undertake reciprocally to dispense their special protection to the persons and properties of the citizens of each one in the territories, subject to the jurisdiction of the other; but in the same article the manner is determined in which the said protection is to be afforded them, "leaving open and free to them the tribunals of justice, in the same terms as are used and accustomed by the natives or citizens of the country."

Besides, the laws of Colombia do not confer either upon foreigners or citizens the right to claim of the Union indemnification for injuries caused by crimes such as those committed on the 1st of September.

The said right is conferred upon the injured parties against the culprits, and consequently it is from the latter that the indemnification which your excellency claims from the government must be exacted. Besides, the amount of the said indemnifications must be taken into consideration, as a matter of proof and judicial settlement.

The conclusion, therefore, of the trial which is at present being conducted in Carthagena, will be the means which may lead to the satisfaction of the claims to which I have referred.

The time has not yet arrived, in the absence of official data, for the solution of this question.

The result of the trial, at present in progress in Carthagena, will afford the clear and precise data required for the examination of the question respecting the responsibility for the lamentable assassinations to which the undersigned had referred. If, in accordance with the results of the judicial investigations actually in progress, the principles of the law of nations, and the stipulations of the treaty in force between Colombia and the United States of America, the Colombian government should appear to have incurred any responsibility, the republic will not refuse to satisfy the same.

The executive power will reiterate the orders communicated to Carthagena for the acceleration of the course of the judicial process before alluded to.

With sentiments of high and distinguished consideration, I have the honor to subscribe myself the honorable General Sullivan's very attentive servant,

CARLOS MARTIN.

Mr. Seward to Mr. Sullivan.

No. 36.]

DEPARTMENT OF STATE,
Washington, March 30, 1868.

SIR: Mr. Philip B. Livingston, the commercial agent of the United States at Saint Andrews, represents that that island is quite destitute of any government, and that the lives and property of citizens of the United States have no protection. You will inquire into and report upon this subject. It is particularly desirable to know whether any national interest of the United States is endangered by the condition of affairs at the island as represented.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

PETER J. SULLIVAN, Esq., &c., &c., &c.

Mr. Seward to Mr. Sullivan.

No. 38.]

DEPARTMENT OF STATE,
Washington, March 31, 1868.

SIR: I have to acknowledge the receipt of your dispatch of January 20, 1868, No. 49, inclosing copies of your correspondence with the government of the United States of Colombia on the subject of the Panama commercial war tax.

The instructions of this department, under date of June 13, 1867, were made necessary mainly by the doubt which then existed whether the threatened resistance by the State of Panama to troops acting under the orders of General Mosquera was to be regarded as rebellion against the legitimate government of the United States of Colombia. The progress of events having resolved that doubt in favor of the State of Panama, the further discussion of the general question of the liability of our citizens to extraordinary taxes may be postponed to some future occasion.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

PETER J. SULLIVAN, Esq., &c., &c., &c.

Mr. Seward to Mr. Sullivan.

No. 39.]

DEPARTMENT OF STATE,
Washington, April 14, 1868.

SIR: Mr. Goñi, the Spanish minister here, has addressed a note to this department requesting the good offices of this government with that of the United States of Colombia, for the purpose of preventing the departure of the Cuyler from the port where she now is during the state of war between Spain and certain Spanish American republics. The object of the Spanish government in soliciting this arrangement is to relieve the squadron of observation which it now maintains, and otherwise might still feel obliged to keep up for the purpose of watching the movements of the Cuyler. Mr. Goñi expresses confidence in the existing administration at Bogota, and intimates a belief that if it were to engage not to allow the Cuyler to put to sea under the circumstances

referred to, that its pledge to that effect would warrant the Spanish government in withdrawing its naval force. He further remarks that a motive for asking the interposition of this government in the matter is, that Spain has no diplomatic representative in that country.

You will consequently make known in the proper quarter the wish of her Catholic Majesty's government above referred to, and request that it may be candidly and dispassionately considered. It is presumed that the presence of Spanish men-of-war in or near Colombian waters cannot be agreeable to the government of that republic, and that the equivalent required for their departure will, under the circumstances, be regarded as sufficient and literal.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

PETER J. SULLIVAN, Esq., &c., &c., &c.

Mr. Seward to Mr. Sullivan.

No. 43.]

DEPARTMENT OF STATE,
Washington, May 13, 1868.

SIR: Your dispatch, without a number, (No. 59,) of March 22, has been received.

All further discussion of the questions growing out of the outrages inflicted upon the officers of the steamer R. R. Cuyler, alias El Rayo, may be deferred until this department shall have received information of the result of the trial of those accused of participation in those crimes.

You will be expected to furnish promptly information as to the energy with which the accusation has been prosecuted, and the fairness evinced by the tribunals which sit in judgment.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

PETER J. SULLIVAN, Esq., &c., &c., &c.

Mr. Sullivan to Mr. Seward.

[Extract.]

No. 65.]

LEGATION OF THE UNITED STATES,
Bogota, May 13, 1868.

SIR: I have the honor to transmit herewith copies (A, B, and C) of correspondence just had between the Colombian government and the United States consul at Carthagená and myself, on the subject of the trial and acquittal of the well-known persons who, on the 1st of September last, had most barbarously and cruelly murdered native-born citizens of our country at Carthagená.

My unaltered statement of this inhuman affair, and the causes which led to it, will be found in my note to the Colombian government on the 5th of October last, a copy of which I inclosed to you with my dispatch No. 333, of the 12th of October.

On yesterday the secretary for foreign relations of Colombia had paid me a most friendly visit, and assured me that the President and cabinet of Colombia had fully concurred in my note of the 5th instant, of which

inclosure B is a copy; that the President had recommended to congress, yet in session, to empower the executive government to indemnify the relatives of those who were murdered, as well as the two who had miraculously escaped on that awful occasion; and that both houses of congress had introduced bills for that purpose, and that they would most assuredly become a law.

Extracts A, 1, 2, 3, in Inclosure B, are taken from official letters of foreign consuls and consular agents at Carthagena, viz:

Extract A, British consul.

Extract No. 1, Italian vice-consul.

Extract No. 2, British consul.

Extract No. 3, Prussian vice-consul.

But a day or two since Colonel Cespedes, one of the murderers, had applied to the President of Colombia to be reinstated in the army, and the President replied that although he, Cespedes, was acquitted by the jury and judge, he, the President, still considered him as a cruel assassin, and that he should have no favor from his administration.

This is a great triumph for all foreigners in Colombia, and is a double security for our people passing across the Isthmus of Panama, to and from California and Asia.

* * * * *

I have the honor to be, sir, your obedient servant,

PETER J. SULLIVAN.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

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Mr. Hanaberg to Mr. Sullivan.

No. 29.]

CONSULATE OF THE UNITED STATES OF AMERICA,
Carthagena, U. S. C., April 12, 1868.

SIR: I consider it my duty to inform you that the final trial of the persons accused of complicity in the assassinations of the officers of the steamers Rayo and Colombia took place on the 8th instant, before the judge of the province, and a jury of five persons, and they were found to be not guilty, and, consequently, discharged from custody.

A few days previous to the trial, I was summoned before the judge to answer the following question, proposed by the counsel for the prisoners, viz: "If the witness Peñaredenda had not furnished me with copies of his evidence in relation to the assassinations, and if I had not afterwards given to the said Peñaredenda a letter recommending him for employment to Panama Railroad Company at Aspinwall." On answering the summons, I stated what had occurred as follows: That on the night of the murder Mr. Peñaredenda had informed me that he was present at the hotel Bolivar, and saw all that occurred, at the same time showing me his clothing, stained with blood. Some two months afterward, having received instructions from the United States minister at Bogota to investigate the matter, and meeting Mr. Peñaredenda in the street, I asked him if he had any objection to give me his testimony; to which he replied, that he had come to the city to give his testimony before the court, and could furnish me with a copy of the same. I then told him that I should apply to the President of the State for a copy, but in case I should not obtain it through that source, I requested Mr. Peñaredenda to call at my office after he had given his testimony. Several days after this Mr. Peñaredenda called upon me, bringing the copies of his testimony given upon two occasions before the judge. I told him that, having received a copy of his first testimony through his excellency the President, I did not require any from himself, but fearing I might not receive a copy of the second evidence through the same source, he might leave me the one which he had brought, which he did.

That same day, after this, Mr. Joaquin Velez, of this city, sent me, per Mr. Peñaredenda, a note, in which he requested me to give the said Peñaredenda a letter of recommendation to the officers of the Panama Railroad Company. At the same time Peñaredenda informed me that he considered his life was endangered by remaining in this city, on account of his having testified as to what he knew in relation to the assassinations; he had determined to go to Aspinwall and seek employment there. I conse-

quently gave him a letter to a friend connected with the railroad company, merely stating why Mr. Peñaredenda left this city.

On the day of the trial I was summoned to attend the same as one of the witnesses, and after the testimony had been read to the jury, the judge inquired of the procurador general if he wished to examine any of the witnesses, to which the procurador replied, that he wished to examine myself. He then put to me the question: "Do you know who committed the assassination of the Americans?"

This question took me by surprise, and I answered that from personal evidence it was impossible for me to know who committed the murder, as I was not present; but by reference to the testimony of others, the parties who were under accusation appear to have been at least accomplices in the case. I was then asked from whose testimony I derived this opinion. I answered, from that of the persons who had witnessed the murder—such as Mr. M. A. Cronoz, Mrs. Antonio Gallardo, &c. The counsel for the defense then called for the reading of the testimony of those witnesses, after which, I am sorry to say, no further questions were put to me, as I should have stated to the court that those same witnesses had told me, that out of fear of, and consideration for, the prisoners, they had not testified before the court to all they knew and had seen.

In summing up, the procurador general said to the jury, that he could not, upon the evidence, ask for a conviction of the accused, and it remained for the jury to say if they were entirely free from guilt.

The counsel for the prisoners made a strong appeal to the patriotic sentiments of the jury, and was applauded by the audience.

He assured the jury that there need be no fears of any international question in the matter, as there was no room for foreign intervention. He also assured them that the evidence of Mr. Peñaredenda was worthless; that it was formed as a "speculation," as proved by the fact of my having given him a letter of recommendation. This was disputed, however, by the attorney general.

Consequently, this affair terminated as everybody had anticipated. It may be admitted, that by the evidence presented the accused could not be said to be the persons who committed the murder, but certainly there was proof of their complicity.

During the last week the government of the State has published the discovery of a plan of revolution against the present authorities, and a decree has been issued by the governor of the province, the provisions of which are of such an arbitrary character as should be called for by a state of actual war.

However, the President of the State has stated that it does not apply to foreigners.

Inclosed is a copy of the decree.

The United States steamer Marblehead sailed from this port on the 3d instant.

I have the honor to be, sir, your obedient servant,

AUG. S. HANABERG.
United States Consul.

Hon. General PETER J. SULLIVAN,
United States Minister Resident, Bogota.

Mr. Sullivan to Señor Perez.

LEGATION OF THE UNITED STATES OF AMERICA,
Bogota, May 5, 1868.

SIR: I have the honor to inform your excellency that the consul of the United States of America at Cartagena, in an official note of the 12th ultimo, addressed to me, says:

"The final trial of the persons accused of complicity in the assassinations of the officers of the steamers Rayo and Colombia took place on the 8th instant, before the judge of the province, and a jury of five persons, and they were found to be not guilty, and were discharged."

From another source I have also been most credibly informed and believe, "that the jury was composed of an ex-judge suspended from civil rights for a corrupt sentence, two ex-brother officers of the principal accused, and two unobjectionable persons; that one of the topics for the defense was that no such crime as assassination existed according to Bolivian law;" and another, "that the jury need not be afraid of any foreign intervention," &c.

The following extracts from letters now before me, written by gentlemen of the highest standing and social position in Cartagena, for whose honor and integrity I unhesitatingly vouch, will serve to convince any candid and unbiased mind, that the said trial and acquittal of those men were but a mockery of law, of justice, and of international comity.

[Extract No. 1.]

"In a few moments after the two ex-officers of the *Rayo* were murdered, I was at the Hotel Bolivar, where I saw the dead body of Lieutenant Borchart stretched upon the stone floor of the dining corridor, with a great crowd; and then the governor of the province, Miguel A. Vivez, to my question who had done the deed, said governor answered 'that hundreds of eyes had seen it, but as nobody will dare to give a full deposition, probably the authors of the crime will not be discovered.'

"In the crowd was a young man whose daring looks and movements indicated one of the participators. His name is Peñaranda, and he was, I was told, secretary to General Mendoza Llanes. I was informed by — that said Peñaranda had arrested him in the street, and probably would have killed him had he not been recognized as not belonging to the *Rayo*. I was also informed by — that said Peñaranda was one of the leaders in causing the death of Lieutenants Borchart and Murdaugh.

"From that day, 1st September last, up to this date, November 19, 1867, I have not spoken to a single person without the confidence of the guilt of the national officers, Cespedes and Barrios, and of the carpenter, A. Franco, aided by the soldiers with their muskets, as having murdered ex-Lieutenant Borchart at the Hotel Bolivar, and of the national officer, Yates Marquez, as having murdered ex-Lieutenant Murdaugh at the club.

"A couple of days after the murder, Mr. O. visted me, and told me privately, that he was present and saw everything with the murder of Borchart, but that he did not dare to come forward and declare the truth, because he knew he would have to pay for it with his life. He said he had seen Lieutenant Colonel Cespedes shooting a number of times at Borchart. He also related to me the saving of Mr. Dorning, which is exactly as represented by Mrs. Antonia Gallardo," &c.

[Extract No. 2.]

"There was ample time for the authorities at Carthagena to acquire a knowledge of what was threatened, and to provide against it.

"About five o'clock p. m., on the day in question, the naval agent of the royal mail steamer *Tyne* arrived at my house, and from him I learned that there were officers of the *Rayo* on board. The doctor and purser of the *Tyne* left the ship at seven, and the ex-officers of the *Rayo*, Borchart and Murdaugh, followed them.

"About a quarter to eight I accompanied said naval agent to said steamer *Tyne*, and while there a dark-complexioned person, short, and dressed in the white trousers and blue jacket, with *Repi*, usually worn as an undress by the officers of the battalion 'Regander,' with a crowd of about thirty or forty persons, rushed towards us, crying 'a la lancha,' and pistols were presented at the naval officer, amid shouts of '¡aqueste es el oficial del Rayo.' I knocked up the revolver presented by the leader of this mob, and asked what he wanted. He replied in an excited manner, pointing to the naval officer, 'es el un oficial del Rayo.' I corrected the mistake, and again asked what he wanted. He replied, 'buscando los oficiales del Rayo que nos han ultra jado de una que no podemos sufrir.'

"On my return from the steamer *Tyne* I inquired of several persons what was the cause of the disturbance, and received the same reply; and on approaching the Hotel Bolivar I heard several shots, and in passing the door was caught in the midst of a crowd that issued therefrom. Here I saw a tall, thin man, dressed in white, whose hands were dripping with blood. I asked who had wounded him. He replied, 'Un oficial del Rayo.' During all this time not a word was said about any attack on General Mendoza Llanes.

"Soon after this I saw an armed guard at the door of this hotel, and then heard for the first time the story of an attempt on General Mendoza's life. This was at least three quarters of an hour after the said attack upon the naval officer of the steamer *Tyne*, above alluded to.

"About half past nine o'clock of the same night there was no guard at the Hotel Bolivar, nor did I see then any patrol or preparation to provide against a fresh outbreak.

"It appears that at the first alarm the President, Señor Gonzales Caraso, took refuge in the cuartel, and that at half past ten o'clock that night he was at his house and undressing to go to bed. A moment's reflection would have told him that the mail steamer would leave at day-break, and that there was no other means of sending the surviving Americans out of danger. They owe their lives entirely to the women of the hotel and to the United States consul's exertions.

"As soon as the crowd who had gone to the steamer *Tyne*, as above stated, were satisfied that those they were in search of were not on board, a cry of 'al Hotel Bolivar' was raised, and they immediately went off in that direction.

"I am particular as to time, in order to show that the story of an attack on General

Mendoza Llanes having provoked the murders is an afterthought; and that the civil authorities were guilty, as I venture to affirm, of at least gross omissions of duty.

"I am not able to say by whom the murders were actually committed, but I state that from the morning of the 2d of September up to this day, (November 22d,) the general report in this city has not wavered in pointing out Colonel Cespedes, Captain Barrios, Lieutenant Marquez, a carpenter named Franco, a policeman called Vivez, (the man whom I had met with his hands bloody,) and Señor Peñaranda, the secretary of General Mendoza Llanes, as active participants in the crime.

"So little shame was felt in Carthagena that a French gentleman who expressed his abhorrence of the crime and his disgust that robbery had been added to murder, was threatened by an officer of the battalion regenerader that he would be treated in like manner if he were not silent."

[Extract No. 3.]

"I must state this crime causes the most painful sensation among foreigners resident in Carthagena, in like manner with natives who possess human feelings.

"The fatal time, about half past seven o'clock, I was in my balcony; saw a mob rushing to and fro in the streets; heard report of fire-arms in direction of the Hotel Bolivar and club.

Mr. Juan N. Pombo informed me that the most atrocious crime had been committed on the persons of the two officers of the Rayo, one in the Hotel Bolivar and the other in the club; the first victim Mr. Borchart, and the second Mr. Murdaugh. Inquiring who effected the hideous action, I was answered that it was a gang of the officers and part of soldiers of the battalion regenerados, actually on duty in Carthagena; that he, Mr. Pombo, was, unfortunately, at the fatal moment, in the club; that he, with others, thought to prevent the crime, but to no avail, as the actors were determined to take Mr. Murdaugh's life. He also then told me that the mob was then leaving the club, when a young man at the door said to them that he knew where Mr. Murdaugh had absconded himself, and, void of honorable feelings, he escorted the officers of the regenerader to the fatal spot, and there Mr. Murdaugh was immediately butchered, and, as is stated by an eye-witness, executed by an officer named Teodoro Yates Marquez. After returning from the spot above mentioned, many persons also state that the said Marquez boasted of having accomplished his savage and hellish deed, brandishing the awful weapon (revolver) with which he had given vent to his unrelenting thirst for human blood.

"Regarding what took place at the Bolivar Hotel, I learned that Messrs. Borchart and Dornin were making calls upon their friends after they had landed from the Royal Mail steamer, arrived from Santa Martha in the afternoon of the 1st of September last. Repairing to the Bolivar Hotel, they noticed a large crowd on the corner, front door, and steps of the hotel. Unconcerned, they walked through; but, on reaching the last steps to the corridor, they were fired upon.

"It seems that Borchart had no arms to defend himself. Mr. Dornin had his revolver and a small dagger. He commenced to make his defense against an overwhelming concourse, and throwing the dagger to Mr. Murdaugh with the object that he should also make his own defense, Mr. Dornin was severely wounded; and when the mob started upon Mr. Borchart, who had reached one of the rooms, Mr. Dornin was taken care of by the landlady of the hotel, and secreted in her own room, to prevent his being assassinated as his two comrades.

"Entering the room, Mr. Borchart resisted with all his power against the door to prevent the entrance of his followers. His strife must have been vigorous, as he had to battle between life and death.

"The rush ceased momentarily. He then strove to make a rapid escape towards the corridor to save himself; but unluckily, as he opened the door, although with precaution, he was seized by a man named Nicholas Franco, who commenced struggling with him, and from whom Mr. Borchart received in the hip a mortal cut with a carpenter's chisel, which brought him down to the pavement of the corridor.

"In this awful situation revolvers were discharged at him, of which one ball, entering the left side of the breast, immediately caused his death.

"Antonio Gallardo, a servant in the hotel, and Mr. Nicholas Peñaredonda, were, I am informed, present, and can give their testimony as to these facts.

"The next morning I went to the hospital, and there found and examined the dead bodies of Borchart and Murdaugh; found several wounds upon each, more especially the one which each had received upon the left breast, which must have been the mortal one, penetrating, as is supposed, the hearts of those two American citizens.

"The facts above stated are well known to the community at large in this city."

So far as I have been able to learn, none of the gentlemen from whose letters I have taken the above four last extracts are citizens of the United States of America.

The following are extracts from translations of evidence in the case, by eye-witnesses: Señor Antonio del Real, in a note to the United States consul at Carthagena, dated

November 12, 1867, says: "Was in the house called the Club, on the night of the 1st of September last, when Mr. Murdaugh came in, and after a polite salutation to ourselves he went into the dining hall. Mr. Juan N. Pombo then requested Mr. Ruiz, the proprietor of the house, to persuade Mr. Murdaugh to retire, because there was much alarm, &c. After Mr. Ruiz had spoken to him he went out; and after hearing some shouts in the street he returned, and a servant boy of the house, as we were told, indicated to Murdaugh where to hide himself.

"This occurred in the midst of a great tumult, especially observable in the lower part of the house and in the street, where I saw some shots fired. I heard some shots fired inside of the house, and then I was told that Mr. Murdaugh had been found on a flat roof, in the midst of some boxes of flowers, and that they had killed him with pistol-shots," &c.

Señor Juan N. Pombo says, in a like note, "that he was in the house called the Club on the evening of the 1st of September; heard some shots fired. The principal corridor and interior of the house had been invaded by a crowd of armed individuals, who were searching for the officers of the Rayo," &c.

Señor Eugenio de Janon, in a note of November 21 last, says: "On the 1st of September last, about 6 o'clock in the evening, more or less, I came off from the steamer Tyne in company with Messrs. Borchart, Smith, Dornin, and Murdaugh, and together we went to the Hotel Bolivar. On arriving up stairs, in the corridor of that hotel, I found directly in front of me a young man named Temistocles Peñaranda, who, seeing the four ex-officers of the Rayo with me, expressed himself in improper terms against them, calling them pirates, bandits of the Rayo, thieves, &c. Be it that the ex-officers referred to not wishing to take any notice of Mr. Peñaranda, or be it they did not understand the epithets which he directed towards them, the fact is they did not answer a single word, but went towards the room which opens on the hall.

"I told him that he ought not to express himself in the manner he was doing, because he might provoke a quarrel; and I told him that those gentlemen brought a letter of recommendation from General Santos Gutierrez for the President of the State. He then went to his room.

After this I was in the bed-room a few moments with the ex-officers, whom I soon left to go out on private business. On my return, Mrs. Antonio Gallardo told me that a mob, composed of the people, officers, and soldiers, had assassinated Mr. Borchart and wounded Mr. Dornin."

Mrs. Antonio Gallardo, in the city of Carthagena, on the 1st of September last, testified before the alcalde of the district as follows:

To the query about her knowledge of what has taken place this evening at the Hotel Bolivar, where she was, she answered, "that she was in the said establishment and saw Mr. Peñaranda insulting four Americans that were in the corridor of the hotel, and who had just come up stairs, to which insults said Americans did not answer, when Peñaranda withdrew into his room; that a few moments later appeared an armed party looking for the Americans, which found only one, and he locked himself up in a room; that, nevertheless, they forced the door and fired at him every time that door was ajar; that the forces of that American giving way in holding the door, he thought to save himself by flight, but was detained by Mr. Nicholas Franco, who took hold of him, threw him on the floor, striking him at the same time with an instrument in his hand; that, after this, soldiers of the battalion regenerader shot at him with muskets and left him dead."

Questioned if she had heard, and from whom, that the intention of the Americans was to kill General Mendoza Llanes, and if she saw any movement or anything else to indicate such intention, she answered, "that she did not hear or see anything of the kind, but that she knows General Mendoza was not in the hotel.

Evidence of Nicholas Peñaredenda, taken before the provincial court at Carthagena, November 5, 1867, is substantially as follows:

"Am a native of Maganque, twenty-eight years of age, married, and a merchant; was in Carthagena on the night of the 1st of September last, and that while in company with a young man named Falquez, from Santa Martha, Mr. Diego Leon approached and asked them the cause of the alarming movements observable at that time in the vicinity of where they were. They answered that they did not know. Said Leon then said he thought it was a question with the Americans, and then withdrew.

"Then witness and said Falquez went towards the Hotel Bolivar, and on their way having met General Mendoza Llanes, they stopped him, and having asked him if the report that the Americans had attacked him was true, he answered them in such a vague manner that the witness understood from him there had not been any such attack make upon him.

"That after this the witness proceeded alone to the Hotel Bolivar, and on going to the stairs of this establishment he heard the report of fire-arms, and, accelerating his steps, he found in the upper part of the house a multitude of persons, among whom he recognized Manuel Cespedes and Vicente Barrios, who, armed with revolvers, were firing upon two Americans who were then defending themselves from the shots thus

fired at them; that the witness being obliged to observe this occurrence, being then in the midst of it, interposed between Vicente Barrios and one of the Americans with whom Barrios was struggling; that the witness succeeded in saving the American and shutting him up in a room of the house; that the said American was wounded in this attack, but the witness cannot say who wounded him because there were so many attacking with sabers, &c., (arma blanca,) and at the same time the witness was wounded below the left nipple, by a stab from an instrument in an unknown hand; that this crowd went down stairs in search of another American, and the witness remained at the door of the room in which he had placed the American; then heard a voice in the house shouting: 'How? are you going when there remain enemies up stairs' and observing at the same time that the people, with armed soldiers, were coming up stairs, then the witness resolved to leave the said door, and on going below he found Mr. Cespedes and begged of him to save the American; that a few minutes afterwards he heard shots fired inside the hotel, and the voice of a man who came out of the house, saying: 'Now they have killed him!' that witness then went up and found the American, whom he had shut up in the room, dead; that he then went out, and, late at night, found the American consul, and helped that officer to take on board the royal mail steamer two Americans who had been saved, of whom one was wounded; that shortly before leaving for the steamer the United States consul succeeded in procuring a public force, under the command of Cruz Diez and Colonel Caraso, who had helped the consul and myself to get these two Americans on board of the said steamer," &c., &c.

Mr. Manuel A. Orezoz testified before the provincial court at Carthagena, on the 31st December last, substantially as follows:

"Am forty years of age, a native of Puerto Cabello, Venezuela, resident of Carthagena, merchant, and married; that on the 1st of September last, in the evening, he was at the Hotel Bolivar, as the place had been and is his dwelling-place, and was an actual witness of the horrible scandal which in the end resulted in the death of the North American, Borchart, and the wounding of Mr. Dornin, also a North American; that of the multitude of people that were in the hotel that night he knew but few persons, except a young man, Peñaranda, who may justly be called the general promoter and instigator of the disgraceful occurrences of that night; that he also saw there Manuel Cespedes, second commander of the 'battalion regenerader,' Mr. Vicente Barrios, an officer of the same force, and a carpenter named Franco; that he only remained in the hotel that night, only until the assassins, assisted by armed soldiers of the said battalion, fell upon Borchart; that about 11 o'clock same night he returned to his lodgings in said hotel, and became engaged with Colonel Perea and the proprietor of the hotel in the means of saving and embarking of Mr. Darnin, who was wounded, and his companion, Smith, who were delivered by said two persons and myself to the American consul at 1 o'clock that night.

"That Borchart was killed and Dornin wounded before he had first left said hotel that night; that in a crowd of so many persons, who disputed the means of entrance to the room of the person who was the victim, had taken refuge, &c.

"He cannot positively say who had killed Mr. Borchart or wounded Mr. Dornin," &c.

On the 6th of November last the United States consul at Carthagena wrote to me, as follows:

"Mr. Manuel Amador Fierro, the President of the State, sent for me to call at his office, and represented to me his disposition to comply with the demands of the national government in relation to the murders committed in this city on the 1st of September last, but stated he had not the power to perform what he knew to be his duty in the case, as the parties against whom he had to proceed composed the only armed force in this city; and should he undertake to carry out the proper measures it is probable he would himself be made a prisoner, which would make the situation much worse; consequently he begged of me, as a favor, to write to you per first opportunity, to request you to apply to the President or government of the nation, and state his desire that a force of one hundred national troops be sent to this city immediately; and in case the one hundred men have already been sent to Baranquilla, under the command of Colonel Ponce, that orders be immediately sent down to that officer to bring that force immediately to this city.

"His excellency also requested me to say to you that any communication from the government to him in relation to this matter he should like to have come through your medium and that of this consulate.

"I inclose a letter from his excellency for the secretary of war."

I duly delivered the above letter for the secretary of war to his excellency Señor Carlos Martin, late secretary for foreign relations of Colombia, and at the same time explained to him the contents of said note of United States consul Hanaberg, when said secretary Martin assured me that the troops that had escorted General Mosquera were ordered to return to and remain at Carthagena, for the purpose indicated, and for the purpose of maintaining the peace, good order, and dignity of Colombia. Such was my understanding with Secretary Martin on that subject.

Said consul has also informed me that the President of Bolivar had complained to him that no troops had been sent to his aid.

Your predecessor, in an official note of the 10th of October last, in reply to mine of the 5th of the same month, says, as translated :

"In the same manner the said government has issued peremptory orders for disbanding the battalion which was in Carthagena, under command of G. Gonzales Curazo, to which the officers referred to by your excellency's note belonged ; the said force will, therefore, no longer be in the service of the republic."

I have been advised by the said United States consul that the said troops, who had garrisoned Carthagena at the time of said murders, and who were charged with said crimes, have ever since been retained in the public service garrisoning said city.

Upon a careful review of the whole circumstances in this unpleasant affair, and mindful of the friendly relations which ought ever to exist between Colombia and the United States of America, I suggest to your excellency the propriety of your acceding to the terms and conditions contained in my note, addressed to your predecessor on the 20th of January last, asking indemnities for the families of the said two murdered Americans, as well as for said Dornin and Smith, their companions and countrymen, who has escaped being murdered at the same time and place.

Relying upon the friendship and good faith of your government towards mine, I have the honor to reiterate to your excellency my highest consideration and respect.

PETER J. SULLIVAN.

His Excellency Señor Doctor SANTIAGO PEREZ,
Secretary of the Interior and Foreign Relations, United States of Colombia.

Mr. Sullivan to Mr. Hanaberg.

LEGATION OF THE UNITED STATES,
Bogota, May 5, 1868.

SIR: Your dispatch of the 12th ultimo, stating that the persons charged with the assassination of the officers of the steamers Rayo and Colombia had been finally tried and acquitted, has come to hand.

This is, indeed, an alarming state of affairs in Colombia, which makes every foreigner in this country tremble for his property and his life.

I have this day sent another strong note to the Colombian government reviewing this trial—protesting against it as a mockery of law, of justice, and of international comity, and urging a compliance with the terms of my note of the 20th of January last, demanding indemnities for the families of Borchart and Murdaugh, and for Dornin and Smith.

I am fully determined that, in future, all American citizens sojourning in Colombia shall be safe in their persons and property ; and, should those barbarous and blood-thirsty assassins defy me, I have a sure plan by which I can make them as tame as toothless serpents.

Private.—The British consul, in a note on this trial to the British chargé d'affaires here, gives the character of three of the jury who had tried those assassins.

I must again thank you for the great fidelity and zeal which you have shown in this matter.

I am, sir, your obedient servant,

PETER J. SULLIVAN.

AUG. S. HANABERG, Esq.,
United States Consul, Carthagena.

Mr. Sullivan to Mr. Seward.

No. 66.]

LEGATION OF THE UNITED STATES,
Bogota, May 13, 1868.

SIR: I have the honor to transmit herewith copies (A, B, C) of correspondence had between the Colombian government, the United States consul at Panama, and myself, on the subject of the arrest and discharge of Thomas Walsh, at Panama.

The evidence submitted by the Colombian government in this case is so bulky and difficult of translation, that I prefer to await the report of

our consul at Panama before I form or express an opinion in this case, which may be intended as a set-off against the Carthagena murder cases.

I have the honor to be, sir, your obedient servant,

PETER J. SULLIVAN.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Señor Perez to Mr. Sullivan.

[Translation.]

OFFICE OF THE SECRETARY OF THE INTERIOR AND FOREIGN RELATIONS,

Bogota, April 22, 1868.

The secretary for foreign relations of Colombia has the honor to transmit to the Hon. General Sullivan, minister resident of the United States of America, a copy of various documents which have been received in this office, from which it will be seen that on the afternoon of January 23d last an officer and some marines of the North American navy, being armed, disembarked at Taboga and proceeded to the hotel of the same name, and there seized upon Mr. Thomas Walsh, an English subject and captain of the pilot-boat Petrel, and handcuffed him and conducted him as a prisoner to Panama, where he was set at liberty by order of the consul of the United States of America; that the above-mentioned officer and soldiers seized, also, the papers of the said vessel, which were found in possession of the wife of Mr. Walsh; also the chronometer which he had given to Mr. Casain to keep.

As these facts are in violation of the security which the institutions of this republic guarantee to all individuals who are found in the territory of the Union, and being executed by employés of another nation, they are, in a high degree, subversive of the national sovereignty thereof.

The executive power is under the necessity of formally reclaiming from the government of the United States of America, with the object that it should dictate the most efficacious means to avoid the repetition of deeds of this kind, and that what already had been done should receive the proper reproof.

The Colombian government at present limits its claim to this exigence alone, reserving to itself an addition, if it should be necessary when in the course of the process of law, which, on account of the above facts, is commenced in Panama, the arrest and trial of the individuals who had committed those acts should be ordered.

The undersigned expects that General Sullivan will acquaint his government with the contents of the documents referred to, as also of the present note.

With sentiments of distinguished consideration the undersigned has the honor to again acknowledge himself General Sullivan's obedient servant,

SANTIAGO PEREZ.

Hon. Señor General PETER J. SULLIVAN,

Minister Resident of the United States of America, &c., &c., &c.

Mr. Sullivan to Señor Perez.

LEGATION OF THE UNITED STATES OF AMERICA,

Bogota, May 13, 1868.

SIR: I have the honor to acknowledge the receipt of your excellency's note, dated the 22d ultimo, relative to the arrest of Thomas Walsh by an officer and marines of the United States navy, at Taboga, on the 23d of January last, and his subsequent discharge by the United States consul at Panama.

I should have answered your said note ere this had I not waited, but in vain, for a statement of the case from the said consul.

I have written to him to report forthwith the proceedings in this case, both to the Department of State at Washington and to this legation.

I have, in the mean time, forwarded a copy of your said note, with a copy of mine to said consul, to my government.

I have the honor to be, with profound respect, your excellency's most obedient servant,

PETER J. SULLIVAN.

His Excellency Señor Doctor SANTIAGO PEREZ,

Secretary of the Interior and Foreign Relations, United States of Colombia.

Mr. Sullivan to Mr. Smith.

LEGATION OF THE UNITED STATES,
Bogota, May 10, 1868.

SIR: The secretary for foreign relations of the United States of Colombia, in a note addressed to this legation on the 22d ultimo, says:

"That on the 23d of January last an officer and some marines of the North American navy, being armed, disembarked at Toboga and then and there seized upon Mr. Thomas Walsh, an English subject, and handcuffed and conducted him as prisoner to Panama, where he was set at liberty by the consul of the United States of America."

The said secretary complains that this act on the part of said officer is a great outrage upon the laws and sovereignty of Colombia, and demands of our government that said officer be reprimanded, and that there shall not be a repetition of similar acts as are alleged to have been committed by said officer.

You will forthwith report the facts in this case both to the Department of State at Washington and to this legation, so as that even-handed justice may be done, knowingly, in the premises.

I am, sir, your obedient servant,

PETER J. SULLIVAN.

THOMAS K. SMITH, Esq.,
United States Consul, Panama, United States of Colombia.

Mr. Sullivan to Mr. Seward.

No. 70.]

LEGATION OF THE UNITED STATES,
Bogota, June 18, 1868.

SIR: I have the honor to transmit herewith correspondence (A and B) had between the Colombian government and myself, on the request of the Spanish minister at Washington, invoking our friendly aid (per your dispatch No. 39 of April 14th last) not to let the war steamer Cuyler go to sea during the existing war between Spain and certain South American republics. I think the answer is satisfactory.

I have the honor to be, sir, your obedient servant,

PETER J. SULLIVAN.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Sullivan to Señor Perez.

LEGATION OF THE UNITED STATES OF AMERICA,
Bogota, June 6, 1868.

SIR: My government has instructed me to inform your excellency that the Spanish minister at Washington has addressed a note to the Department of State, United States of America, requesting its good offices with that of its sister republic the United States of Colombia, for the purpose of preventing the departure of the war steamer R. R. Cuyler, alias the "El Rayo," from the port where she now is, during the state of war between Spain and certain Spanish American republics.

The object of the Spanish government, in soliciting this arrangement, is to relieve the squadron of observation which it now maintains, and otherwise might still feel obliged to keep up, for the purpose of watching the movements of the Cuyler.

The Spanish minister aforesaid expresses confidence in the existing national administration of the United States of Colombia, and intimates a belief that if it were to engage not to allow the said war steamer to put to sea under the circumstances referred to, that its pledge to that effect would warrant the Spanish government in withdrawing its naval force from Colombian waters.

Said Spanish minister further authorizes me to say that a motive for asking the interposition of my government in this matter is that Spain has no diplomatic representative in Colombia.

In making known to your excellency the wish of her Catholic Majesty's government above referred to, as well as that of mine, I presume that the presence of Spanish men-of-war in or near Colombian waters cannot be very agreeable to the government of that brave soldier and disinterested patriot, General Santos Gutierrez, the popular citizen President of Colombia, and hence I believe that the equivalent required for their departure will, under the circumstances, be regarded as sufficient and liberal, and must naturally result in a source of mutual benefit and lasting friendship between all parties concerned.

I request a speedy and explicit answer to this note.

I have the honor to reiterate to your excellency my unbounded confidence in and respect for yourself and the government of which you are so truly worthily the exponent.

PETER J. SULLIVAN.

His Excellency Señor ACOSTA SANTIAGO PEREZ,
Secretary of the Interior and Foreign Relations, U. S. C.

Señor Perez to Mr. Sullivan.

[Translation.]

OFFICE OF THE INTERIOR AND FOREIGN RELATIONS,
Bogota, June 15, 1868.

The note which your excellency was pleased to address the undersigned, dated 6th of the present month of June, stating that the Spanish minister in Washington has solicited of the government of the United States of America the interposition of its good offices with Colombia, in order to prevent the sailing of the steamer of war R. R. Cuyler or "El Rayo," from the port in which it is at present, so long as the present war between Spain and the allied republics of the Pacific continue, has been laid before the citizen President.

The undersigned has received instructions to state to your excellency that Colonel F. Canez, who will shortly set out in the service of the government near the Colombian Atlantic States, will be the bearer of orders to remove from the said steamer Rayo all such pieces or parts as it may be possible to take out of her with the view to hinder her from sailing or performing any service without the knowledge of the Colombian government.

This said government, in fulfillment of its duties as a neutral power, will not grant, under any circumstances, its permission for the sailing of the said vessel from its waters.

In the same manner the authorities of the State in which the said vessel is at present shall be notified, to the effect that the utmost vigilance be observed respecting the said vessel, to the effect that she be not taken or conveyed away for the service of any of the belligerents, so long as the war continues, or until the ownership of the said vessel be ascertained.

The citizen President hopes that the above-mentioned assurances will be satisfactory to the government of the United States, whose good offices are always so grateful to him, and whose wishes he will lose no opportunity to satisfy upon all occasions, and especially when, as in the present case, they are strictly in accordance with the claims of justice respecting a nation with which Colombia is at peace.

The undersigned renews to the honorable minister his most cordial assurances.

SANTIAGO PEREZ.

Hon. General PETER J. SULLIVAN,
Minister Resident of the United States of America, &c., &c., &c.

Mr. Sullivan to Mr. Seward.

[Extract.]

No. 73.]

LEGATION OF THE UNITED STATES,
Bogota, June 18, 1868.

SIR: The policy of the Colombian government is evinced in its reply, marked A, herewith transmitted, to my notes of the 5th of October, 20th of January, and 5th of May last, (copies of which I have duly transmitted

to your department with my Nos. 33, 59, and 65, of October 12, March 28, and May 13 last,) relative to the inhuman murder of native-born citizens of our country by national officers and troops of Colombia, at Carthagena, on the 1st of September last.

The Colombian government transfers the whole subject for further consideration to your department. * * *

I have the honor to be, sir, your obedient servant,

PETER J. SULLIVAN.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Señor Perez to Mr. Sullivan.

[Translation.]

OFFICE OF THE INTERIOR AND FOREIGN RELATIONS,
Bogota, June 10, 1868.

The undersigned has the honor to reply in accordance with the instructions he has received from the citizen President, to the note which your excellency was pleased to address to this office under date of May 5th of the present year.

The circumstances which took place in the city of Carthagena on the 1st of September, and of which several individuals who had formed part of the crew of the steamer Cuyler or Rayo were victims, are among those which have caused the most disagreeable impressions, not only upon the authorities of the country but also upon every Colombian—especially the individual at present in charge of the national executive power, has deplored such shameful events, and would have desired to have at his command the means of lessening their evil results and of insuring condign punishment to the culprits. As a proof thereof, it will suffice to mention the care and spontaneousness with which he had the tradesman Poñaranda apprehended in this city and conveyed to Carthagena for trial, in consequence of the competent authority having ordered his imprisonment, as being complicated in the above-mentioned events.

At the same time that the citizen President does not conceive that the government has incurred any responsibility on account of the above-mentioned acts, or even that the fact of the parties against whom the attacks were made were North American citizens on the 1st of September, is proved, he desires, nevertheless, to satisfy, in whatever it appertains to him to do so, in accordance with the law of nations and his special obligations, the government of the United States of America, which, by the appreciable intervention of your excellency, has thought proper to claim indemnification.

With a view thereto, and as certain documents are required which at present are in the office of the President of the sovereign State of Magdalena, which will aid in determining the nationality of the parties who were attacked in Carthagena on the day above mentioned, the citizen President has resolved to transfer to Washington the present discussion, and General Santos Acosta being about to be accredited envoy extraordinary and minister plenipotentiary of the Colombian Union, one of his duties will be that of continuing there the discussion of this business, and of settling it in accordance with the justice and the honor of the two countries.

The executive power is firmly convinced that the aforesaid affair, argued and brought to a close with the Hon. Mr. Sullivan, would be brought to an equally satisfactory conclusion; but the above-mentioned circumstances and the desire that the other important questions which are confided to your excellency may not suffer any interruption on account of the said claim, have caused him to come to this resolution, in which he hopes the honorable minister will not fail to perceive the ardent desire of the Colombian government to attend, both here and in Washington, to the speedy dispatch of all the questions pending between the two countries.

The undersigned takes advantage of the present opportunity to present to your excellency the most evident proofs of his high consideration.

SANTIAGO PEREZ.

Hon. General PETER J. SULLIVAN,

Minister Resident of the United States of America, &c., &c., &c.

Mr. Seward to Mr. Sullivan.

No. 47.]

DEPARTMENT OF STATE,
Washington, June 30, 1868.

SIR: I acknowledge the receipt of dispatches of May 13th, Nos. 65 and 66.

In the absence of a full report of the evidence adduced upon the trial of the persons accused of the murder of Messrs. Murdaugh and Borchart, it is impossible to form a confident judgment upon the good faith and integrity of the judicial investigation, and the conclusiveness which should be attributed to its result. Meantime, I am gratified to learn that the government of the United States of Colombia manifests its disposition to stigmatize with unmistakable marks of its displeasure officers who are supposed to have been connected with the outrage, and to provide just indemnity for the families of the deceased and for the wounded survivors of the lawless assault.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

PETER J. SULLIVAN, Esq., &c., &c., &c.

Mr. Sullivan to Mr. Seward.

No. 83.]

LEGATION OF THE UNITED STATES,
Bogota, September 3, 1868.

SIR: In reply to your dispatch No. 36, of March 30th, instructing me to inquire into and report upon the nature of the government of the island of Saint Andrew's, the protection it affords to the lives and property of our citizens doing business therein, and whether any national interest of our country is endangered by the condition of affairs in that island?

I beg leave to say that, after due and diligent inquiry into the facts in this case, I have learned that the islands of Saint Andrew's and Providence, which were formerly under the nominal jurisdiction of the State of Bolivar, but now under that of the United States of Colombia, are situated in latitude 13° north, about two hundred miles to the northwest of Aspinwall and about one hundred miles east of the Mosquito coast.

About a year ago the State of Bolivar ceded these islands to the United States of Colombia; and for fifteen years previously Bolivar had exercised no jurisdiction over them.

The only government that has existed there is that of justices of the peace, elected by the inhabitants.

Saint Andrew's is the larger of the two, and is about ten miles long.

There is some trade in cocoanuts and cattle produced on these islands; also, in turtles and tortoise-shells.

Of the population of these islands I know nothing. There is but little or no communication between them and Colombia, which is utterly unable to govern them.

I am unable to learn the extent of the interest of our country in said islands, or about the manner of treatment of our people doing business in or with them, and therefore suggest that one of our war steamers be

ordered there, without delay, to examine into and report upon all the facts in the case.

I have the honor to be, sir, your obedient servant,
PETER J. SULLIVAN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Sullivan to Mr. Seward.

No. 87.]

LEGATION OF THE UNITED STATES,
Bogota, September 14, 1863.

SIR: *Ecuador is perishing*; her capital, Quito, has been assailed by a violent earthquake; her next largest city, of ten thousand inhabitants, has vanished into the newly-opened jaws of mother earth. Earthquakes, volcanoes, have visited her with a red-hot rod of vengeance, which, as the accredited report now stands, has caused her to almost vanish from the fond gaze of her sister republics.

Her minister, now by my side, tells me that all the public buildings in Quito have been either destroyed or shaken to the foundation; that several towns have, with their inhabitants, almost entirely disappeared; that on the 16th of August last, the day of their destruction, a cloud of darkness had gathered over and around the doomed places of fond abode; that deafening peals of thunder and vivid flashes of lightning were answered by horrid shocks of earthquakes and numerous founts of smoke and fire spouting from the trembling earth, which in some parts opened its devouring mouths, and all within their reach had sunk into the gulf below; that the adjacent hills had blazed with jetting fire and thrown volcanic showers around them; *that no fewer than thirty thousand persons had perished* in this terrible catastrophe, whose loss throws a fearful pall over all the heretofore happy and thriving but now mourning people of Ecuador. The end is not yet fully known here.

The minister also says that our legation's valuable effects in Quito must have been destroyed or greatly damaged, and that at the time of this appalling visitation of God's manifest power there resided a large number of our people in that city. I suggest, therefore, that our government send an authorized officer to Quito to ascertain our loss.

I have the honor to be, sir, your obedient servant,
PETER J. SULLIVAN.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Sullivan to Mr. Seward.

No. 94.]

LEGATION OF THE UNITED STATES,
Bogota, October 10, 1868.

SIR: The people of Bogota are greatly excited. For some time past both the liberal and conservative parties of the State of Cundinamarca were preparing to make war upon each other, for the sake of peace and power only.

Very early this morning the government of the State was overthrown, and its President imprisoned by the national troops, under orders of the

national executive government of Colombia, and a provisional State government has been already organized, composed of the friends of the federal government.

So far as I have been able to learn, there were but two persons killed and three wounded in this affair.

The State government was in the hands of the conservatives, who are strongly opposed to the principles and policy of the national government.

Fighting is not only going on in different parts of this State, but, as I have been informed, also in other States of this unhappy country, between the liberals and conservatives.

Bogota is, at noon to-day, quiet. I have not, as yet, formed an opinion as to the merits or results of this gloomy affair.

I have the honor to be, sir, your obedient servant,

PETER J. SULLIVAN.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

P. S.—I inclose, herewith, the *Diario Oficial* of this date, which reached me after I had written the above dispatch, giving the reasons of the executive government for its conduct in said matter.

P. J. S.

[From the *Diario Oficial*, of the United States of Columbia, October 10, 1868.—Translation.]

The President of the republic to his fellow countrymen :

Yesterday there appeared on the corners of this city, and, moreover, I heard of it in an authentic manner, a decree of the Governor of Cundinamarca, in which certain laws of the State assembly were violated by the calling of a convention by means of an election, which was to be controlled by two thousand bayonets, in accordance with provisions dictated in usurpation of powers belonging to the legislative department, in actual contravention to the national constitution, which imposes upon the States the obligation to organize themselves under a republican, representative, and popular form of government.

As early as two nights ago, forces quietly recruited in the departments began to enter this city, the residence of the high federal authorities; and yesterday, a few hours after the crime of treason and usurpation, consummated by the executive government of this State, was publicly announced, another body of troops approached the city and made known its arrival by the assassination of a peaceable and innocent citizen.

As the guardian of national public order, as a protector of individual rights, sworn to maintain due respect to the national government and the integrity of the Union by the constitutional harmony of the States, I have deemed it my duty to avenge this outrageous insult to the federal authorities besieged in their own capital.

At the request of the constitutional government of Cundinamarca, and in conformity to law, I determined to make use of my constitutional powers to arrest, without delay, those disturbers of public peace.

I have given ample proof of my profound respect for law, and I am determined to show my impartiality in all party contests; but though I give all my respect to law and justice, nothing will make me bow to revolutions and fly from insurgents.

The general government allows all rights but that of conspiracy.

As far as I am concerned, all political parties may depend upon my support in any victories obtained by legal voting; but I will never allow them to use force, particularly when it is in rebel hands and in the service of perjured officials.

BOGOTA, October 10, 1868.

SANTOS GUTIERREZ.

SANTIAGO PEREZ,

Secretary of the Interior and of Foreign Relations.

MIGUEL SAMPER,

Secretary of Finance and Industry.

SERJIO CANARGO,

Secretary of War and Marine.

NARCISO GENZALIZ SINEROS,

Secretary of the Treasury and National Credit.

[Editorial on the same subject.]

The constant desire of the present administration has been to preserve peace. In his first message to congress, the President insisted upon the necessity of a law, in accordance with provisions of the constitution, giving the chief executive the power to preserve public order. This was not done, although the government organ demonstrated the evil consequences of such neglect, apparently for the reason that divergences of opinions among the legislators prevented agreement upon the best mode of effecting the desired result.

In this case the good intent and sincere wish of a President charged with the preservation of the integrity of the nation could not be more evident, when he asks the assembled representatives, frankly and urgently, to define a plain and permanent line of conduct for him to observe in any emergency.

Although the law was not passed, the President has the power granted by the constitution, and this he may use to the utmost extent. The error incurred by exercising it, for want of legal authority, urgently asked for, can in no case be attributed to one who persistently demanded that authority; nor can it be comprehended how he can refrain from acting with due severity under the circumstances, particularly when there is no constitutional provision against it. The duty of every government is self-preservation and protection to its subjects; and to do this the government must have the necessary power to act rigorously under all circumstances. The great expenses of the country to sustain the general government, and the immense resources put at its disposal, show the importance of such government, and the object for which it was created, which was certainly for the preservation of peace, the maintenance of friendly relations with foreign nations, and to administer home affairs with justice and economy.

The essential basis of the Colombian Union is the acknowledgment and protection by the general government, as well as by the State governments, of all personal rights justly claimed by the citizens and inhabitants of the national territory. Therefore the chief executive insists upon respect to those rights by all the officials of State governments. In some States where political factions violate or neglect those rights, the executive laments that he has not been able to remedy the evil; but, wherever he could, he has never ceased to try to restore order by moral suasion. Even when the troubles first began in Cundinamarca, he did what he could to quiet them; but all was vain, till finally the revolution broke out in the State, on the 9th instant, and through the governor's influence.

It is well known that he sanctioned the laws enacted by the last assembly, as it was his duty to do; but this sanction was given reluctantly, and he soon violated the very laws he had promised to obey, by decrees tending to produce disturbances in every district. Anarchy and want of confidence is the consequent result.

In contemplating this state of affairs, the chief of the general government omitted no peaceful effort to restore confidence and order; but all was vain. This rebellion against the legislative power was soon followed by resistance to the judicial power of the State. If the governor had not interfered with State institutions, the general government would have remained silent; but that official forced a war between the central and State governments, and the sad consequences of this disruption are now anticipated. He not only armed his own partisans, but old rebels who had become scandalously notorious, and marched them into the capital of the republic, where there was nobody to fight; for neither the judicial nor the legislative power had any armed forces ready to resist an assault or invasion.

Thus the federal government was placed in a perilous condition; the capital was invaded by enemies to all the principles of good government, and the central power saw itself on the point of being compelled to succumb.

The invading forces continued to increase in numbers and to accumulate resources for the overthrow of the legitimate power. The national forces were not armed; they were scattered at a distance from the capital, and could not be readily drawn together; if resistance was attempted, these distinct squads would be intercepted as they came in, and all would have been lost. In fact, the general government was besieged, and its aid and allies could not enter.

What a trying situation for a government that had sworn to preserve order and protect its subjects in the enjoyment of their constitutional rights!

The capital of the republic, the residence of the diplomatic body, to which international law and public treaties place under the protection of the national government, and whose agents need security in their domiciles and persons for the proper exercise of their functions, could not submit to such indignity. And who were these enemies? They were outlaws, who cared for no permanent form of government, but sought perpetual changes for the benefit of plunder. And this was dared in the face of the federal government, by a portion of the Colombian guard, whose duty it was to obey the constitution and protect the city!

Under a government organized in accordance with article 1, section 8 of the consti-

tution, all personal rights may be considered as sufficiently protected by State institutions. The only guarantee that the general government can offer to these rights, according to the federal constitution, is to cause the supreme court and senate to suspend or repeal all legislative acts that may trespass upon such rights. But when the local government treacherously changes its nature, the general government, whose duty it is to protect individual rights and social interests, must not abandon them to a revolutionary faction, without responsibility, depending upon the success of its arms for its existence, and which can have no intercourse with any foreign ministers while it is engaged in the destruction of order and security.

For these reasons the citizen President of the Union has judged it his duty, on the petition of the constitutional government of Cundinamarea, and in concert with it, to disarm the partisans of the revolution which was declared on the 9th instant in the capital of the republic. He believes it his solemn duty to secure order by preventing or stopping a war that would certainly end in the ruin of the country and the destruction of its credit; and this he hastens to accomplish in due time, and in a manner calculated to prevent useless sacrifices of all sorts.

The nation, which bears witness to the impartiality of the present administration, in its attempts to preserve order and its efforts to secure public peace, which has seen the respect it has shown for all legitimate State governments, and which must agree that no usurpation can be tolerated neither morally nor constitutionally, will do justice to the plans we have adopted in compliance with our acknowledged duty to preserve public peace and order. This plan consists in defending citizens and institutions against factions attempting to impose upon them and destroy them in an illegal manner.

The State of Cundinamarea, once more under the control of its constitution and its legitimate rulers, continues in the full enjoyment of self-government.

Mr. Seward to Mr. Sullivan.

No. 62.]

DEPARTMENT OF STATE,

Washington, November 25, 1868.

SIR: With reference to the case of the murder at Carthagena of part of the crew of the steamer Cuyler or Rayo, which it is understood is last mentioned by you in your No. 73, of the 18th of June last, I have to state that, as the further discussion of the subject has been transferred hither, the instruction to the effect that it will not be necessary for you to renew the discussion at Bogota is hereby reiterated.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

PETER J. SULLIVAN, Esq., &c., &c., &c.

COLOMBIAN LEGATION.

Mr. Salgar to Mr. Seward.

[Translation.]

LEGATION OF THE UNITED STATES OF COLOMBIA,

Washington, January 5, 1867.

SIR: At the request of the owners of the steamer R. R. Cuyler I have the honor to inform you that, under instructions from my government, I have concluded for it a contract of purchase, and in conformity therewith she is to be delivered, armed, in such port of the United States of Colombia as in due time may be designated. The owners fear that at the moment of departure some hinderance thereto may be offered, from believing that she is intended for hostile action on some nation with

which the United States of America hold friendly relations, and therefore I have been asked to make this statement.

I avail of the occasion to renew to you the assurances of my very distinguished consideration.

EUSTORJIO SALGAR.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Salgar to Mr. Seward.

[Translation.]

LEGATION OF THE UNITED STATES OF COLOMBIA,
Washington, February 6, 1867.

SIR: The undersigned, envoy extraordinary and minister plenipotentiary, has the honor to submit to the honorable William H. Seward, Secretary of State, the following facts.

On or about the 17th day of December, 1866, the undersigned, through his agent Vernon H. Brown, of New York, made an agreement with Russell Sturges and others, of the city of New York, for the purchase from them of the steamship R. R. Cuyler, to be fitted, under the directions of the said agent, as a ship of war, and when so fitted to receive on board armament, ordnance stores, and such other cargo as might be required, and to be delivered with such armament, ordnance stores, and cargo, to the government of the undersigned at one of its Atlantic ports, when and where the purchase price of said steamship would be payable. The said vessel has been fitted up by the sellers, and the cargo has been purchased and put on board by the said agent for the account of, and is owned by, the government of the undersigned, and the vessel was ready to proceed on her voyage, to be delivered according to agreement, on the 2d day of February instant.

Mr. Sturges, on the day last named, presented at the New York custom-house a manifest of the cargo of the vessel, and demanded a clearance thereof to the port of Aspinwall, a port of Colombia. The clearance was granted and the vessel was about to proceed to sea, when the customs officers of the port of New York went on board, took possession, and claimed the vessel and cargo as forfeited to the United States, and they still hold and detain the vessel and her cargo.

The undersigned is not informed of any facts or reasons which can justify the seizure or detention of the vessel or cargo. The vessel was purchased in good faith by the undersigned for his government and her destination is a port of Colombia for the purpose of delivery to that government. The undersigned claims that the purchase and the voyage are lawful; and he respectfully requests that the vessel may be released, and that she be allowed to proceed with her cargo to the port of destination.

The undersigned renews to the honorable William H. Seward assurances of the high consideration with which he remains his obedient servant,

EUSTORJIO SALGAR.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Señor Salgar.

DEPARTMENT OF STATE,

Washington, February 13, 1867.

SIR: Recurring to your note of the 6th instant in relation to the detention of the steamer R. R. Cuyler at New York, I have the honor to inform you that the subject having been referred to the Attorney General, he declares the result of his examination to be that if the Colombian government were now the owners of the vessel and had assumed the responsibility of her voyage to a port of that country, he would advise an order for the delivery of the vessel and the dismissal of the libel which has been filed against her. Understanding that by the terms of the contract of sale Messrs. Sturges & Co. continue to be the owners, and the vessel under their control until delivery at a Colombian port, he is of the opinion that they should enter into the bond required by the 9th section of the neutrality act of April 20, 1818, and that thereupon the libel will be dismissed and the vessel delivered to them to proceed on her voyage.

The action of the government will be in conformity with the advice of the Attorney General.

I avail myself of this occasion to renew to you the assurance of my most distinguished consideration.

WILLIAM H. SEWARD.

General Don EUSTORJIO SALGAR, &c., &c., &c.

Mr. Seward to Señor Murillo.

DEPARTMENT OF STATE,

Washington, November 9, 1867.

The Secretary of State presents his respects to Mr. Murillo, and has the honor to inclose a copy of the instructions,* which were addressed on the 27th of September last to Peter J. Sullivan, esquire, United States minister at Bogota, in reference to the affair of the R. R. Cuyler.

* For inclosure see correspondence with United States minister to the United States of Colombia.

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